



An Act to authorize the trustees of St. Andrew's Church, Williamstown, to sell certain land.

WHEREAS John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson, and Duncan B. McLennan, trustees of St. Andrew's Church, Williamstown, within the bounds of the Presbytery of Glengarry, in connection with the
5 Presbyterian Church in Canada, have, by their petition, prayed that the said trustees be empowered to sell and dispose of the west half of lot number eleven in the first concession or range south side of the River aux Raisins, in the township of Charlottenburgh, as described in the patent thereof from the
10 Crown, and to apply the proceeds of such sale for the benefit of the resident minister for the time being and his successors; and whereas the said parcel of land is at a considerable distance from the manse, and has been heretofore mainly valuable for the firewood supplied therefrom for the use of the resident minister,
15 which supply of firewood is now exhausted; and whereas the said lot of land could not be made available for any useful purpose without expending a larger sum of money than the same is worth, and has in consequence become unproductive and yields no revenue; and whereas it is for the benefit of the resident minister for the time being, and his successors, that the said parcel
20 of land should be sold, and the proceeds of the sale invested for the benefit of the said resident minister for the time being, and his successors; and whereas the resident minister, the said congregation and the Presbytery of Glengarry are consenting
25 parties to the sale and disposal of the said land; and whereas the resident minister is provided by the said congregation with a manse and another lot of land adjoining the manse sufficient for all his wants and requirements; and whereas it is expedient to grant the prayer of the said petition;
30 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson, and Duncan B. McLennan, all of
35 the township of Charlottenburgh, trustees of St. Andrew's Church, Williamstown, in the county of Glengarry, in connection with the Presbyterian Church in Canada, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract and to sell the
40 said lot in one or more parcels, from time to time, at private sale or by public auction, for cash or on credit, secured in such manner as to them seems fit, with power to buy in at any

Sale of land
authorized.

auction or auctions, and to resell, or rescind, or vary any sale or contract for sale that may have been entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver and the consideration money demand and receive, and to release 5 all mortgages or other security that may be given for the purchase money or of any part thereof.

Application of
proceeds of
sale.

2. The vendors shall apply the proceeds of such sale for the benefit of the resident minister, for the time being, of the said congregation of St. Andrew's Church, Williamstown, and 10 his successors, in compliance with the terms of the original deed: Provided always that the purchaser or purchasers shall not be responsible for the application of the moneys arising from the sale of the said lot, or any part thereof.

Rights not
affected.

3. Nothing in this Act contained shall be construed to affect 15 any rights of any other person or persons in respect of said lands.

No. 1.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to authorize the trustees of St. Andrew's Church, Williamstown, to sell certain land.

First Reading,
1881.

(PRIVATE BILL)

Mr. MACMASTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the trustees of St. Andrew's Church, Williamstown, to sell certain land.

WHEREAS John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson, and Duncan B. McLennan, trustees of St. Andrew's Church, Williamstown, within the bounds of the Presbytery of Glengarry, in connection with the
 5 Presbyterian Church in Canada, have, by their petition, prayed that the said trustees be empowered to sell and dispose of the west half of lot number eleven in the first concession or range south side of the River aux Raisins, in the township of Charlottenburgh, as described in the patent thereof from the
 10 Crown, and to apply the proceeds of such sale for the benefit of the resident minister for the time being and his successors; and whereas the said parcel of land is at a considerable distance from the manse, and has been heretofore mainly valuable for the firewood supplied therefrom for the use of the resident minister,
 15 which supply of firewood is now exhausted; and whereas the said lot of land could not be made available for any useful purpose without expending a larger sum of money than the same is worth, and has in consequence become unproductive and yields no revenue; and whereas it is for the benefit of the resident min-
 20 ister for the time being, and his successors, that the said parcel of land should be sold, and the proceeds of the sale invested for the benefit of the said resident minister for the time being, and his successors; and whereas the resident minister, the said congregation and the Presbytery of Glengarry are consenting
 25 parties to the sale and disposal of the said land; and whereas the resident minister is provided by the said congregation with a manse and another lot of land adjoining the manse sufficient for all his wants and requirements; and whereas it is expedient to grant the prayer of the said petition;
 30 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson, and Duncan B. McLennan, all of
 35 the township of Charlottenburgh, trustees of St. Andrew's Church, Williamstown, in the county of Glengarry, in connection with the Presbyterian Church in Canada, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract and to sell the
 40 said west half of lot number eleven, in the first concession or range south side of the River aux Raisins, in the township of Charlottenburgh, as described in the patent thereof from the Crown, in one or more parcels, from time to time, at private sale or by public auction, for cash or on credit, secured in such

Sale of land
authorized.

manner as to them seems fit, with power to buy in at any auction or auctions, and to resell, or rescind, or vary any sale or contract for sale that may have been entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver and the consideration money demand and receive, and to release all mortgages or other security that may be given for the purchase money or of any part thereof. 5

Application of
proceeds of
sale.

2. The vendors shall apply the proceeds of such sale for the benefit of the resident minister, for the time being, of the said congregation of St. Andrew's Church, Williamstown, and his successors, in compliance with the terms of the original deed *in that behalf*: Provided always that the purchaser or purchasers shall not be responsible for the application of the moneys arising from the sale of the said lot, or any part thereof. 10 15

Rights not
affected.

3. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of said lands, *nor any liens or incumbrances now existing on or against said lands.*

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Trustees of St. Andrew's Church, Williamstown, to sell certain land.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. MACMASTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Acts respecting the Yorkville
Loop Line Railway Company.

WHEREAS the Yorkville Loop Line Railway Company have Preamble.
by their petition prayed for certain amendments of their
Charter and for an extension of time for the completion of the
construction of the said railway; and whereas it is expedient
5 to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. It shall be lawful for the company to extend their line Powers.
10 to any points, in the townships of Scarborough and York or in
the city of Toronto, necessary or convenient for making con-
nection with the lines of the Credit Valley Railway Company,
and the Toronto and Ottawa Railway Company, or with any
other companies having lines of railway entering or passing
15 through the city of Toronto or its vicinity, and to make such
running arrangements or other agreements with such com-
panies as they are permitted by their Act of Incorporation
(thirty-six Victoria, chapter seventy-seven) to make with the
companies or lines therein enumerated.

20 2. The time for the completion of the said railway is hereby Time ex-
extended to two years after the passing of this Act. tended.

No. 2.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to amend the Acts respecting the
Yorkville Loop Line Railway Company.

First Reading, , 1881.

(*PRIVATE BILL*)

MR. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Trustees of the Union Church, at Port Colborne, to sell certain lands.

WHEREAS the trustees of the building fund of the Union Church, in the village of Port Colborne, in the county of Welland, have, by their petition, set forth that, by deed, bearing date the third day of April, in the year of our Lord one thousand, eight hundred and fifty-seven, the lands herein-after mentioned were granted to the trustees therein mentioned, and to their successors in office, for church purposes; that the present trustees under said deed are Thomas Armstrong, Lewis G. Carter and James Schofield; that, by memorial bearing date the thirty-first day of December, in the year of our Lord one thousand, eight hundred and seventy-nine, the original subscribers to said building fund of said church have set forth that many of the denominations for which said Union Church was built have secured other suitable places of worship; that said church is at present, and is likely to be in the future, occupied by only one congregation, to wit, the Presbyterian congregation, and that, therefore, the said trustees should take necessary steps to sell the said church to that body, or otherwise, as to them may seem best; and that the proceeds arising from the sale of said church be, by the said trustees, applied in payment of the debts due on said church, which are largely in excess of the amount which can be realized from such sale; and whereas, in and by the deed granting said lands to said trustees, the said lands can only be sold in case a more advantageous and better situation for a union church can be procured; and whereas all requisite formalities have been complied with; and whereas it is expedient to grant the prayer of said petition, and to authorize the sale of the said lands;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees of the building fund of the Union church, in the village of Port Colborne, in the county of Welland, for the time being, and their successors in office, are hereby empowered to grant, bargain, sell and convey the lands before referred to, being lot number five, on the north side of Charlotte street, in said village of Port Colborne, absolutely and freed from all trusts, of whatsoever nature or kind, created by or under the deed mentioned in the preamble to this Act, and such deed of conveyance shall be valid and binding upon all parties thereto.

Sale by trustees authorized.

2. The said trustees shall hold the proceeds of such sale or sales, as the case may be, in trust to apply the same in payment of all debts due and owing by said church.

Application of proceeds of sale.

BILL.

An Act to authorize the Trustees of the Union Church, at Port Colborne, to sell certain lands.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. NEAR.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Trustees of the Union Church, at Port Colborne, to sell certain lands.

WHEREAS the trustees of the building fund of the Union Church, in the village of Port Colborne, in the county of Welland, have, by their petition, set forth that, by deed, bearing date the third day of April, in the year of our Lord one thousand, eight hundred and fifty-seven, the lands hereinafter mentioned were granted to the trustees therein mentioned, and to their successors in office, for church purposes; that the present trustees under said deed are Thomas Armstrong, Lewis G. Carter and James Schofield; that, by memorial bearing date the thirty-first day of December, in the year of our Lord one thousand, eight hundred and seventy-nine, the original subscribers to said building fund of said church have set forth that many of the denominations for which said Union Church was built have secured other suitable places of worship; that said church is at present, and is likely to be in the future, occupied by only one congregation, to wit, the Presbyterian congregation, and that, therefore, the said trustees should take necessary steps to sell the said church to that body, or otherwise, as to them may seem best; and that the proceeds arising from the sale of said church be, by the said trustees, applied in payment of the debts due on said church, which are largely in excess of the amount which can be realized from such sale; and whereas, in and by the deed granting said lands to said trustees, the said lands can only be sold in case a more advantageous and better situation for a union church can be procured; and whereas all requisite formalities have been complied with; and whereas it is expedient to grant the prayer of said petition, and to authorize the sale of the said lands;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees of the building fund of the Union church, in the village of Port Colborne, in the county of Welland, for the time being, and their successors in office, are hereby empowered to grant, bargain, sell and convey the lands before referred to, being lot number five, on the north side of Charlotte street, in said village of Port Colborne, absolutely and freed from all trusts, of whatsoever nature or kind, created by or under the deed mentioned in the preamble to this Act, and such deed of conveyance shall be valid and binding upon all parties thereto,  but expressly subject to all mortgages, liens and incumbrances now rightfully existing on or against said lands. 

Sale by trustees authorized.

Application of
proceeds of
sale.

2. The said trustees shall hold the proceeds of such sale or sales, as the case may be, in trust to apply the same in payment of all debts due and owing by said church.

Purchasers
not bound to
see to applica-
tion of pur-
chase money.

3. No person or persons, body or bodies corporate, who have purchased or shall purchase the said lands or any part thereof, shall be in any way bound to see to the application, or be answerable for the non-application of the said purchase money or any part thereof.

No. 3.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Trustees of the Union Church, at Port Colborne, to sell certain lands.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. NEAR.

TORONTO:

PRINTED BY G. BLACKETT ROBINSON.

An Act to amend and consolidate the Acts respecting
the Napanee River Improvement Company.

WHEREAS the Napanee River Improvement Company have Preamble.
petitioned for the amendment of the Acts relating to
their incorporation and the powers granted to said company,
and for the consolidation of said Acts, and that the said com-
pany may have power to appoint an assessor, and to sue for
assessments payable to the said company, and may be em-
powered to acquire certain property and to make by-laws for
improving and regulating the water supply of the Napanee
River; and whereas it is expedient to grant the prayer of the
said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. All persons now owning or who may hereafter own any Incorporation.
mill, situated on the Napanee River or its tributaries, or who
use, or shall hereafter use, the waters thereof for mechanical
or manufacturing purposes, and the tenants for the time being
of any such owner or person entitled to use the said waters for
mechanical purposes, shall be, and the same are hereby declared
to be, a body corporate, under the name of "The Napanee
River Improvement Company," and the persons from time to
time paying assessments to the company shall be deemed the
members thereof.

2. The said company is hereby incorporated for the purpose of Object.
acquiring any mill-pond, lake, reservoir, or other source of
water supply, for the extension or improvement of any such
source of supply, for the erection or improvement of mill-
dams, and for regulating the use of the supply obtainable from
any such pond, lake, or reservoir, or other source of supply ac-
quired by the company.

3. The clauses of the "Ontario Joint Stock Companies' Clauses of R.
General Clauses Act," save in so far as they are expressly varied S. O., c. 149,
by, or inconsistent with, the express enactments of this Act, incorporated.
are hereby incorporated with this Act.

4. The said company shall have power to acquire, by lease Power to ac-
or in fee simple, and to hold, lease, or sell any lands, tene- quire lands,
ments and hereditaments, which may be useful or necessary for &c.
the purposes of such corporation, and such property, and the
materials from time to time provided for constructing, main-
taining, or repairing the same, together with all property and
rights heretofore acquired by the said the Napanee River Im-

provement Company, shall be vested in the company hereby incorporated, and their successors.

Votes.

5. Every tenant or occupant of a mill, and every person using the water of the said river, or any of the tributaries thereof, for mechanical or manufacturing purposes, shall be entitled to one vote for every one hundred dollars of the assessed value of such mill or right to use said water, and no person shall be entitled to vote in respect of such assessed value until all rates and assessments, and any arrears thereof, made pursuant to this or the prior Acts of incorporation, shall be fully paid; and where such rate or assessment shall be paid by a tenant or occupant, no other person shall be entitled to vote in respect of the property assessed, and any president or other member of a board of directors, delegated by them on behalf of any joint stock milling or manufacturing company, may vote on their behalf and be eligible for election as a director. 5 10 15

Annual meeting and directors.

6. The business of the company shall be managed for the remainder of the current year by the directors elected at the last annual meeting, and from and after the next annual meeting, to be holden on the second Monday in January in each year, by five directors to be chosen by a majority of the members present, entitled to vote thereat. 20

Company to have powers contained in R. S. O., c. 114.

7. The said company shall have the right to enter upon any lands they may deem necessary to be examined, and to procure an examination and survey of the same, doing no unnecessary damage, and paying for the actual damage done, if any; and, for the purpose of acquiring such lands, and determining the compensation to be paid therefor, shall be entitled to proceed in every respect in the manner directed by chapter one hundred and fourteen of the Revised Statutes of Ontario. 25 30

Further powers as to acquiring land, &c.

8. Notwithstanding anything contained in said "Act respecting Water Privileges," the company may acquire under the proceedings mentioned in said Act, any area of land which they may reasonably deem necessary for the purposes of the company, and may acquire, with the consent of the owners, any existing mill privileges or dams, or may enter into any agreements with the owners for the regulation of the use of any dam or mill privilege for the purposes of the company. 35

Assessors and mode of assessment.

9. The company shall appoint an assessor, or assessors, not exceeding three, who are empowered to assess the several mills and water privileges on the Napanee River and its tributaries, at their actual cash value as going concerns, but shall omit from assessment the value of any steam engine used in driving any mill or machinery, and where any storeroom or warehouse forms a distinct part of a mill or manufacturing property the assessor, or assessors, shall omit from the assessment the value of such storeroom or warehouse. 40 45

Appeal from assessment.

10. All persons assessed shall have the right of appeal in the first instance to the board of directors at a meeting for hearing appeals, on the first Wednesday in May of every year, and the decision of the said directors, or a majority of them, may be confirmed or reduced on appeal to the judge of the County Court, within whose jurisdiction the assessed property 50

shall be situate, and the said judge shall hear and determine such appeals, after notice thereof to the secretary of the company in the manner required in case of appeal from municipal assessments, and such judge may fix the time and place for
5 hearing such appeal, and his decision shall be final.

11. There shall be paid to the judge for hearing and determining said appeal a fee of not less than two or more than four dollars, to be taxed against the unsuccessful party, with the cost of attendance of witnesses and the parties or their
10 agents, on the scale of Division Court costs. Costs of appeal.

12. There shall be levied upon the assessment of the said mills and mill privileges an annual rate, not exceeding two cents in the dollar, which may be recovered by the company against the tenants, occupants, or owners of said mills or mill
15 privileges in any Division Court, or other court of jurisdiction competent to deal with the amount of the rate so levied, or, in default of payment, the amount of such rate may be collected in the same manner as rents, by distress warrant signed by the president of the company. Rate to be levied.

20 13. The company may from time to time borrow money for its works or purchases at such rate of interest as may be agreed on, not in the whole to exceed the sum of Borrowing powers.

14. Provided that no debt or expenditure exceeding the sum of Limitation as to borrowing. shall be incurred without the
25 assent of the members assessed for two-thirds of the property represented at a meeting of the company to be called for consideration of such debt or expenditure, and that the whole debt incurred shall not exceed such amount as can be paid in
30 years by the assessment of an annual rate of cents in the dollar upon the property of the members of the company assessable under this Act, the company may, within the limits hereby authorized, and subject to the aforesaid approval, issue debentures, in sums not exceeding one hundred
30 dollars, with coupons annexed, for the payment of interest at eight per centum, or less, attested with the seal of the company, and signed by the president and secretary-treasurer; such debentures shall constitute a first charge upon the rate
40 fixed by the by-law of the company authorizing the debentures, and to enforce payment thereof a receiver may be appointed by the Court of Chancery.

15. The Act of the Parliament of the Province of Canada, passed in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, chaptered eighty-four, intituled
45 "An Act for the Improvement of the Napanee River," and the Act of the Parliament of the Province of Ontario, passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered seventy-four, intituled "An Act to amend the Act incorporating the Napanee River Improvement Company," are
50 hereby repealed, except as to any act, matter, or thing commenced, undertaken or done by virtue of said Acts, in respect of which the same are to continue in force. Repeal.

16. This Act may be cited for all purposes as "The Napanee River Improvement Company's Act, 1881." Mode of citation.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to amend and consolidate the Acts
respecting the Napanee River Improvement
Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. HAWLEY.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Loyal Orange Associations
of Ontario West and of Ontario East.

WHEREAS James Bennett, W. J. Parkhill, H. A. L. White, Preamble.

John Hoey, the Reverend Hugh Cooper, Thomas Keyes,
N. C. Wallace, Arthur Robb, William Magness, and William
Douglas, members of the Loyal Orange Association of Ontario
5 West, have, by their petition, prayed that the members of the
said Association in Ontario West may be incorporated by the
name of the Loyal Orange Association of Ontario West, and
whereas David Marshall, John White, James McCammon,
Robert J. Craige, the Reverend A. Dawson, A. J. Van Ingen,
10 Robert Gordon, David Ewing, R. A. Fowler, and George Bell,
members of the Loyal Orange Association of Ontario East,
have, by their petition, prayed that the members of the said
Association of Ontario East may be incorporated by the name
of the Loyal Orange Association of Ontario East; and whereas
15 it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said James Bennett, W. J. Parkhill, H. A. L. White, Incorporation
of L. O. A. of
Ontario West.
20 John Hoey, Reverend Hugh Cooper, Thomas Keyes, N. C.
Wallace, Arthur Robb, William Magness, and William Douglas,
members of the Loyal Orange Association of Ontario West,
shall be and are hereby incorporated by the name of the Loyal
Orange Association of Ontario West.

2. The said David Marshall, John White, James McCammon, Incorporation
of L. O. A. of
Ontario East.
25 Robert J. Craige, Reverend A. Dawson, A. J. Van Ingen,
Robert Gordon, David Ewing, R. A. Fowler, and George Bell,
members of the Loyal Orange Association of Ontario East,
shall be and are hereby incorporated by the name of the Loyal
30 Orange Association of Ontario East.

3. The said Grand Orange Lodges shall each by its cor- Corporate
powers as to
lands, &c.
porate name be capable of holding and acquiring property, real
or personal, and the same to sell, convey, control, lease, or
otherwise manage or dispose of at pleasure: Provided that the Proviso.
35 real estate to be held by each one of the said Grand Lodges
shall at no time exceed in value the annual sum of ten thou-
sand dollars.

4. Each of the said Grand Orange Lodges shall have power Power as to
By-laws, &c.
to appoint any of its present officers, or such other members
40 or officers of the Association for the management of its funds
and property as it may deem expedient, to prescribe their

duties, and to require such security as it may from time to time deem proper from said officer or officers, or any of them, for the faithful performance of their respective duties, and may remove them or any of them at pleasure, and may make and ordain, and put in execution such by-laws and rules as they may deem necessary for the purpose aforesaid, not inconsistent with the laws of this Province. 5

Subordinate
Lodges may be
incorporated.

5. Each Subordinate Lodge now instituted, or which may hereafter be instituted within the Province of Ontario, may in the manner hereinafter specified be and become a body 10 corporate by the name and number and place of location by which it is or may be designated in the Order; and each Subordinate Lodge upon so becoming incorporate shall have all the powers and privileges made incident to a corporation by Act of the Legislative Assembly aforesaid, for the sole purpose of 15 managing their funds and property: Provided that the real estate to be held by such incorporated Subordinate Lodge shall at no time exceed in value the sum of five thousand dollars annually.

Proviso.

Mode of incor-
poration.

6. Whenever the members of any Subordinate Lodge desire 20 to become incorporated under this Act they may, by a two-third vote of the members, present at a regular meeting, after at least one month's notice shall have been given of the intention to move a resolution setting forth the necessity or advisability of becoming incorporated, decide to become so incor- 25 porated; and upon a copy of such resolution and the names of at least ten members of such Lodge, attested by the seal and the signature of the secretary and presiding officer of such Subordinate Lodge, together with a certificate from the secretary of the Grand Orange Lodge having jurisdiction in that part of 30 the Province in which such Subordinate Lodge is held, that such Lodge is in full standing in the Order, being filed in the office of the Secretary of the Province, the members of such Subordinate Lodge aforesaid and their associates and successors in membership in said Lodge shall be and become, from the 35 time of the publication in the official *Gazette* of the notice of the filing of such certificate as aforesaid with the Provincial Secretary aforesaid, a body corporate by the style or name of "The Loyal Orange County, District, or Private (as the case may be) Lodge Number of the County of" (here insert 40 the number of the Lodge and the name of the County in which the Lodge is held).

Powers as to
land, &c.

7. It shall and may be lawful for the Treasurer of each Subordinate Lodge so incorporated, and he is hereby empowered from time to time, by and with the consent of such Subordin- 45 ate Lodge, to be attested in such manner as may be directed by their by-laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Lodge, in real estate, or on mortgage, or in public or other stock, or funds, or 50 in such other manner as such Subordinate Lodge may deem best; and from time to time, with the like consent, to alter, sell and transfer such securities, real estate, or funds respectively, and otherwise re-invest and dispose of the same; and the certificate, bill of sale, deed or other instrument of transfer, 55 sale, or discharge of such estate, or funds, or security, shall be

made under the seal of such Subordinate Lodge, and signed by the Treasurer and presiding officer of such Subordinate Lodge; and all such investments shall be made in the separate name and capacity of such Subordinate Lodge: Provided always, that Proviso.

5 no such real estate shall be sold or otherwise disposed of without the consent first had and obtained of the Grand Orange Lodge in whose jurisdiction such real estate shall be situate; such consent to be by resolution passed at a regular meeting of said Grand Lodge.

10 8. It shall and may be lawful for each Subordinate Lodge so incorporated, to receive from the Treasurer thereof from time to time, in its corporate name, sufficient securities by bond, with one or more security or securities, or otherwise, as such Subordinate Lodge may deem expedient, for the faithful per-
15 formance of his duty as such, and that he will well and truly account for, pay and invest from time to time, as directed by such Subordinate Lodge, all such sum or sums of money, funds or other property as may come into his hands or under his control belonging to the said Subordinate Lodge, and shall render
20 and deliver up to the said Subordinate Lodge, or his successor in office, or any other person as authorized by this Act to receive them, all such moneys, funds, deeds, bonds, or mortgages, or stock, or any other funds in his possession or under his control belonging to said Subordinate Lodge at the expiration of
25 his term of office, or when ordered to do so by the said Subordinate Lodge.

9. No member of either of the aforesaid Grand Orange Lodges, or of any Subordinate Lodge so incorporated, shall have any power to sign or transfer to any person or persons
30 whomsoever, any interest which he may have to or in the funds or property of the said Grand Orange Lodges, or of any Subordinate Lodge, but the same shall at all times be and remain under the control of the said Grand Orange Lodge, or such Subordinate Lodge respectively; and no property or stock of any
35 kind belonging to an Incorporated Grand Orange Lodge, or Subordinate Lodge, shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditors against any individual member or members of either Grand Lodge or Subordinate
40 Lodge.

10. Should any Subordinate Lodge cease to exist from any cause whatever, the property, real and personal, held or belonging to such Subordinate Lodge, shall at once vest in the District Lodge to which such Subordinate Lodge belonged, but
45 charged with the payment of the debts of such Subordinate Lodge, to the full extent of such property.

11. All the property, real and personal, held by or in trust for the Grand Lodge of Ontario West, and for the Grand Lodge of Ontario East, shall be and become the property of the said
50 the Grand Lodge of Ontario West or East, as the case may be, subject, however, to the payment of any debt, claim or lien, due thereon or incurred in respect thereto by the Grand Lodge of Ontario West or East aforesaid, as the case may be, or by any person who may have been or who may be seized or possessed of the said property, real or personal, for the benefit of

either of the Grand Lodges aforesaid; and upon the incorporation of any Subordinate Lodge under the provisions of this Act, the property, real and personal, held by or in trust for any such Subordinate Lodge, shall be and become the property of such incorporated Subordinate Lodge, subject, however, to the payment of any debt, claim or lien, due thereon or incurred in respect thereto, by the said Subordinate Lodge, or by any person who may have been or who may be seized or possessed of the said property real or personal, for the benefit of such Subordinate Lodge.

Grand Lodges
may amal-
gamate.

12. It shall and may be lawful for the Grand Lodges of the Association hereby incorporated by the names aforesaid, at any time hereafter by joint resolution of the said Grand Lodges passed at any meeting, only held according to their respective by-laws and rules, to amalgamate into one corporation under the name and title of "The Provincial Grand Orange Lodge of Ontario," in which event all of the properties, real or personal, held by the said Grand Orange Lodge of Ontario West, and the said Grand Orange Lodge of Ontario East, shall be vested in the said The Provincial Grand Orange Lodge of Ontario, for the same uses and trusts as theretofore held by the said corporations respectively.

Power to
mortgage
lands.

13. Whenever a debt has been or shall be contracted by any such Lodge incorporated under this Act, for the building, repairing, extending or improving of any building on land held by any such Lodge, under the provisions of this Act, or for the purchase of the land on which the same has been or is intended to be erected, any such incorporated Lodge may from time to time secure the debt, or any part thereof, by a mortgage upon the land and buildings, or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage, upon such terms as may be agreed upon:

Power to grant
leases.

1. Any such Lodge so incorporated may from time to time lease, for any term not exceeding years, any land held by them under the provisions of this Act. at such rates and upon such terms as they may deem reasonable.

Form of con-
veyances.

14. Any corporation created under this Act may take a conveyance in the form to this Act annexed.

This Indenture made (in duplicate) the day of one thousand eight hundred and In pursuance of the Act respecting Short Forms of Conveyances; between and The Loyal Orange Lodge, number of the County of the part Witnesseth, that in consideration of dollars of lawful money of Canada now paid by the said part of the part to the said part of the first part (the receipt whereof is hereby by acknowledged) the said part of the first part Do Grant unto the said part of the part, successors and assigns forever all and singular th certain parcel or tract of land and premises, situate, lying and being To have and to hold unto the said part of the part successors and assigns to and for

their sole and only use forever. Subject, nevertheless, to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown, and also subject to all the provisions and conditions and enactments contained in an Act of the Legislature of the Province of Ontario, passed in the _____ year of Her Majesty's reign and intituled an Act to Incorporate the Loyal Orange Association of Ontario West and the Loyal Orange Association of Ontario East.

The said part _____ of the first part Covenant _____ with the said part _____ of the _____ part That _____ ha _____ the right to convey the said lands to the said part _____ of the _____ part notwithstanding any act of the said part _____ of the first part.

And that the said part _____ of the _____ part shall have quiet possession of the said lands, free from all incumbrances.

And the said part _____ of the first part covenant _____ with the said part _____ of the _____ part that _____ will execute such further assurances of the said land as may be requisite.

(TITLE DEEDS.)

And the said part _____ of the first part covenant _____ with the said part _____ of the _____ part that _____ ha _____ done no act to incumber the said lands.

And the said part _____ of the first part Release _____ to the said part _____ of the _____ part All _____ Claims upon the said lands.

(DOWER.)

In Witness Whereof, the said parties hereto have hereunto set their Hands and Seals.

Signed, Sealed and delivered, }
In the Presence of }

Received on the day of _____ the date of this Indenture from the said part _____ of the _____ part the sum of _____ dollars mentioned.

Witness :

County of _____ } I, _____ of _____ of _____ in the
County of _____ }
To Wit : _____ } County of _____

make oath and say :

1. That I was personally present and did see the within Instrument and Duplicate _____ duly signed, sealed and executed by _____ the parties thereto.
2. That the said Instrument and Duplicate were executed at the _____
3. That I _____ know the said part _____
4. That I am a subscribing witness to the said Instrument and Duplicate.

Sworn before me at the _____ of _____ in the County _____ of _____ this _____ day of _____ in the year of our Lord 18 _____

A Commissioner for taking Affidavits in B. R., &c.

No. 5.

2nd Session, 4th Legislature, 44 Vic., 1881.

No. 5.

An Act to incorporate the Loyal Orange
Associations of Ontario West and of On-
tario East.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. MERRICK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the City of St. Thomas.

WHEREAS, by an Act passed by the late Province of Preamble.
Canada, in the twenty-third year of Her Majesty's
reign, intituled "An Act to incorporate the town of St.
Thomas," the said town was divided into three wards, named
5 respectively St. Andrew's Ward, St. George's Ward and St.
Patrick's Ward; and, by a certain other Act of the Province
of Ontario, passed in the thirty-fourth year of Her Majesty's
reign, intituled "An Act to extend the limits of the corpora-
tion of the town of St. Thomas," a large tract of land was
10 annexed to said town and named St. David's Ward, and, by
said last mentioned Act, it is provided that the lands included
in said ward, and so annexed to the said town, should not be
liable for any portion of the indebtedness contracted by the
corporation of the said town prior to the passing of the said
15 Act, except in respect of a bonus of twenty-five thousand dol-
lars, granted to the Canada Southern Railway Company, nor
entitled to any of the assets possessed by the corporation of
the town of St. Thomas prior to such annexation; and
whereas the limits of the said town have been further extended
20 by proclamation, published in the *Ontario Gazette*; and
whereas a special rate of three mills and nine-tenths of a mill
on the dollar on the assessed value of the said town was pro-
vided by the by-law granting said bonus of twenty-five thou-
sand dollars to the Canada Southern Railway Company, to be
25 levied annually and set apart for the payment of interest and
as a sinking fund for the redemption of the debentures issued
thereunder; and whereas the assessment roll of said town has,
since the passing of said by-law, increased three-fold, and the
levying of said rate would by this time have yielded a much
30 larger sum than the amount required to redeem said debentures
and the payment of the interest thereon, owing to such increase
of assessable property, while the said rate would, if levied
annually until the maturity of said debentures, yield an
amount more than treble the amount of the said debentures;
35 and whereas said sinking fund has never been set apart by the
treasurer or council of said town, though the interest upon
said debentures has always been duly paid; and whereas the
corporation of the town of St. Thomas have, by their petition,
represented that the said town contains a population of
40 upwards of ten thousand souls, and that the said population is
rapidly increasing, and that, by reason of its increased and
extensive railway facilities, its large mercantile interests, and
its situation in the midst of a rich agricultural district, the
said town is now, and will continue to be, an important com-
45 mercial centre; and whereas the said corporation of the town
of St. Thomas have been, for some years, separated from the

county of Elgin for municipal purposes; and whereas the said corporation have, by their petition, also asked and prayed to be incorporated as a city, to be called "The city of St. Thomas," and, also, to have the limits thereof extended, by adding thereto the lands and premises hereinafter mentioned, and to have the said city divided into six wards; and whereas the said corporation have set forth, in their said petition, that the ratepayers in St. David's Ward, of said town, have agreed to become equally liable with the remaining three wards of said town, for all the liabilities and indebtedness thereof, provided the present water-works system be extended, for fire protection, along Talbot street eastward as far as Balaclava street, in said ward; and provided said ward gets a proportionate share of all the assets possessed by the said town; and whereas the said corporation have petitioned to have the assets held as separate property by a portion of said town vested equally in the whole city, and to have all the wards thereof made equally liable for the existing indebtedness of the said town, and, also, to make it compulsory upon the corporation of the city of St. Thomas to extend the water-works system as aforesaid, and for the right and power to construct a main sewer or outlet for the drainage of said city, and to issue debentures to defray the expense thereof; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of city of St.
Thomas.

1. On and after the passing of this Act, the said town of St. Thomas shall be, and is hereby incorporated as a city, and shall be known hereafter as the corporation of the city of St. Thomas, and, as such, shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said city of St. Thomas if the same had been incorporated as a city under the provisions of "The Municipal Act."

Certain lands
added to exist-
ing town
limits.

2. The lands and premises following, that is to say: the south halves of lots numbers four and five, and the west half of the south half of lot number six, in the eighth concession of the township of Yarmouth, in the county of Elgin, together with all that strip of land lying north of the present northern boundary of said town, and between such northern boundary and a line one hundred and thirty-two feet north of and parallel to the northerly limit of Barwick street, said strip of land commencing at a line produced, due north from the point of intersection of the west limit of Hiawatha street with the lands of the Great Western Railway Company, and continuing to the eastern limit of the west half of the south half of lot number six, in the ninth concession of the said township of Yarmouth; also, that portion of the north half of lot number six, in the eighth concession of the said township of Yarmouth, situate on the north-west corner thereof, known as "the Willoughby Clarke half-acre," shall be detached from the township of Yarmouth and added to the existing limits of the said town and form part of the said city of St. Thomas.

City to be
divided into
six wards.

3. Notwithstanding anything contained in the several Acts, or in the proclamation in the preamble to this Act mentioned,

the city of St. Thomas shall be divided into six wards, in the manner described in the schedule to this Act, to be named respectively First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward and Sixth Ward, and all the property and assets of the said town of St. Thomas shall belong to the city of St. Thomas generally, and without any distinction, and all the debts, liabilities and obligations of the said town of St. Thomas shall be assumed and paid by the corporation of the city of St. Thomas, without any discrimination as to the wards thereof, provided the said corporation does, within one year from the date of incorporation as a city as aforesaid, extend the system of water-works now in use in said town along Talbot street eastward as far as Balaclava street; and the officers and servants of the said town of St. Thomas shall, until superseded in, or removed from office by the council of the said city, remain the officers and servants of the said city of St. Thomas.

Property of town to belong to city.

4. The provisions of the Municipal Act relating to matters consequent upon the formation of new municipal corporations, and the other provisions of the "Municipal Act" aforesaid, shall, except so far as herein otherwise provided, apply to the said corporation of the city of St. Thomas in the same manner as if the said town had been erected into a city under the provisions of the Municipal Act.

Municipal Act to apply.

5. The present mayor and council of the said town shall be and continue to be the mayor and council of the said city, and shall hold office until the election of their successors, as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation or disqualification of said mayor, or any member of said council, a new election shall be held to fill the vacancy under the provisions of the Municipal Act, and the qualified voters of the ward represented by any such member, immediately prior to the passing of this Act, shall be the persons entitled to vote at any such new election.

Mayor and council of town to remain in office.

6. At any election in the said city held prior to the first day of February next after the passing of this Act, the qualification of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor, aldermen and officers, shall be the same as that required in cities.

Qualification of electors.

7. Henry Francis Ellis, of the said town of St. Thomas, esquire, who is now the clerk thereof, or in case of his death or inability to act, such other person as the council of the said town may, by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and incumbent upon the returning officer to hold such nomination at the city hall, in the city of St. Thomas, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

First election of mayor.

8. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the ap-

Powers and duties of

returning officer.

pointment by the council thereof of some other person in his place and stead.

Deputy returning officers.

9. The council of the said city shall have power, by by-law, to be passed before the said last Monday in the month of December, to appoint a deputy-returning officer for each of 5 the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy-returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid, to name the place or places in each of the several wards at which the 10 nominations of aldermen and election of mayor and aldermen shall be held, in case a poll be required.

Nomination and election of aldermen.

10. The said nominations for aldermen shall be held on the last Monday in the month of December, at noon, and if a poll be required, the same shall be opened on the same day of the 15 following week, and the nominations and election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities. 20

Last assessment roll and voters list to be used.

11. The last revised assessment roll and voters' list of the said town, shall be taken to be the roll and voters' list for any future election, either to the municipal council or to the legislative assembly in the said city, until another assessment shall be made, and the roll thereof shall be revised, and the voters' 25 list thereunder shall be duly made and completed.

Constitution of council.

12. Notwithstanding anything contained in the Municipal Act to the contrary, the council of the said city to be elected as aforesaid, shall consist of a mayor, who shall be the head thereof, and twelve aldermen, two aldermen being elected for 30 each ward, but all the other provisions of law relating to municipal elections, shall apply to the elections in said city; and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal law in city councils, and shall be subject to 35 all the liabilities and duties imposed by the said municipal laws on such councils.

Power to organize police force.

13. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force, and to regulate and control the same, and the members 40 thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said Municipal Act respecting police commissioners, shall not apply or be of any effect, unless and until adopted by by-law of the said city council; but this section shall not apply or have any power or 45 effect after it shall appear from any general census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that the said city contains fifteen thousand inhabitants or more.

Power as to drainage.

14. And whereas, in order to find an outlet for the drain- 50 age of said city, it will be necessary to construct a large sewer from Talbot street along Elgin street, to and through a ravine south of Wellington street and west of Elgin street, and along

the flats known as the Blackwood flats, to Kettle Creek, at the south-westerly limit of the said town, which said sewer will not benefit any of the owners or occupants through whose lands it may pass, after the same diverges from Elgin street, but will be a general benefit to the whole of the ratepayers of said city, and it is desirable that the cost of constructing said main sewer or outlet, should be borne and paid by the whole city, except such proportion thereof as would be required to construct an ordinary sewer along Elgin street sufficient for the drainage of the lots fronting on said street, so far as said main sewer shall follow Elgin street: Therefore, it is enacted that it shall and may be lawful for the council of the said city, when, and so soon as they are prepared to construct said main sewer or outlet for the drainage of said city, to issue debentures for such sum or sums as may be required to defray the cost of constructing said main sewer or outlet from Talbot street southward to a point at Kettle Creek, being at the south-westerly limit of said town of St. Thomas, which said debentures shall be a charge upon the whole city; but nevertheless, it shall be lawful for the council of said city to receive and collect from the owners or occupants of lots on Elgin street aforesaid, abutting on said main sewer or outlet, such proportion of the cost of constructing said main sewer or outlet as would be required to construct an ordinary sewer along said street, sufficient for the drainage of all the adjacent property, which said proportion may be ascertained by any competent engineer who may be appointed by said council for that purpose: Provided always, that no such debentures shall issue unless and until the by-law or by-laws creating the same, shall have been submitted and assented to by the electors of the said city, in the manner required by, and in compliance with, the provisions of the "Municipal Act" in that behalf.

15. From and after the passing of this Act the provisions in the by-law of the said town of St. Thomas, granting a bonus of twenty-five thousand dollars in debentures of said town to the Canada Southern Railway Company, providing for a sinking fund being annually raised by the said town for the redemption of said debentures, shall not be obligatory upon the corporation of the city of St. Thomas, and the said corporation shall not be bound to provide the said sinking fund or the arrearages thereof already unprovided; but the corporation of the city of St. Thomas shall nevertheless be bound to levy a special rate sufficient in each year to meet the interest upon said debentures, and at the maturity of said debentures to redeem the same, either with the proceeds of a fresh issue of debentures for a like or less amount (which the said corporation is hereby empowered to make for that purpose) at such rate of interest as the council of said city may agree upon, or with the proceeds of a sale of the stock or bonds of the London and Port Stanley Railway Company held by the said city, or by such other means as may be at the disposal of the said corporation.

Provisions as to sinking fund contained in the by-law granting aid to Canada Southern railway repealed.

16. Notwithstanding anything contained in the by-law of the said town of St. Thomas, granting the sum of fifty thousand dollars in debentures of the said town, to aid the Credit Valley Railway Company in the extension of their line from the town of Ingersoll to the town of St. Thomas, the corporation of the city of St. Thomas shall not be bound to issue debentures to sinking fund to Credit Valley railway except on compliance with certain conditions.

tures for the said sum or any portion thereof, until the said company (or the Credit Valley Railway Aid Company, should the said bonus be transferred to them), has produced evidence sufficient to satisfy the Lieutenant-Governor in Council, of their ability and intention to complete their said extension, according to the terms of said by-law, within one year thereafter; the said debentures to be issued and handed over upon the receipt by the clerk of the said city, of a notification in writing from the provincial secretary that such evidence has been produced; interest upon the said debentures to commence at the date of such issue.

Company to which bonus transferred to give bond to city.

17. In the event of the said bonus being transferred under Act of the Legislature to any other company, the conditions upon which the said bonus has been granted shall be binding upon the said last mentioned company, and the bond of the said last mentioned company for the due fulfilment thereof shall, in addition to the bond of the Credit Valley Railway Company, be given to the corporation of said city before the said debentures shall be issued and handed over as aforesaid

By-law aiding Credit Valley railway confirmed.

18. The said by-law granting aid to the Credit Valley Railway Company is, subject to the alterations herein provided for, hereby declared legal and valid.

SCHEDULE.

1. First Ward shall comprise all that part of the said city which is bounded on the southwest and north by Kettle Creek, on the east by a line in the centre of Margaret, William, and New streets, to be produced, north and south until it intersects Kettle Creek.

2. Second Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of First ward, on the north by Kettle Creek, on the east by a line in the centre of Pearl and Metcalfe streets, to be produced, north and south until it intersects Kettle Creek, and on the south by Kettle Creek.

3. Third Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Second Ward, on the north by the present boundary of said city, on the south by the northern boundary of the road allowance between the seventh and eighth concessions of the township of Yarmouth and Kettle Creek. The eastern boundary is described as follows:—Commencing at the intersection of the centre of East Avenue, with the boundary of lot number four, formerly in the eighth concession of the township of Yarmouth, thence north along a line in the centre of East Avenue, and produced, to the limit between the north and south halves of said lot number four, thence west along said limit to where a line in the centre of Southwick street produced, south would intersect said limit, thence northerly along the centre of Southwick, Francis, and Hiawatha streets, to the southern boundary of the Great Western Railway grounds, thence due north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

4. Fourth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of Third Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Flora street, to be produced, north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, and a line in the centre of Ross street, to be produced, south to the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

5. Fifth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of Fourth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Fourth Avenue, and a line in the centre of Balaclava street, to be produced, south to Wellington street, and north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

6. Sixth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of Fifth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by the limit between the east and west halves of lot number six, in the eighth concession of the township of Yarmouth, and the limit between the east and west halves of lot number six, in the ninth concession of the township of Yarmouth, from Talbot street north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the City of St.
Thomas.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. NAIRN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the City of St. Thomas.

WHEREAS by an Act passed by the late Province of Preamble
Canada, in the twenty-third year of Her Majesty's
reign, intituled "An Act to incorporate the town of St.
Thomas," the said town was divided into three wards, named
5 respectively St. Andrew's Ward, St. George's Ward and St.
Patrick's Ward; and by a certain other Act of the Province
of Ontario, passed in the thirty-fourth year of Her Majesty's
reign, intituled "An Act to extend the limits of the corpora-
tion of the town of St. Thomas," a large tract of land was
10 annexed to said town and named St. David's Ward, and by
said last mentioned Act it is provided that the lands included
in said ward and so annexed to the said town, should not be
liable for any portion of the indebtedness contracted by the
corporation of the said town prior to the passing of the said
15 Act, except in respect of a bonus of twenty-five thousand dol-
lars granted to the Canada Southern Railway Company, nor
entitled to any of the assets possessed by the corporation of
the town of St. Thomas prior to such annexation; and
whereas the limits of the said town have been further extended
20 by proclamation published in the *Ontario Gazette*; and
whereas a special rate of three mills and nine-tenths of a mill
on the dollar on the assessed value of the said town was pro-
vided by the by-law granting said bonus of twenty-five thou-
sand dollars to the Canada Southern Railway Company, to be
25 levied annually and set apart for the payment of interest and
as a sinking fund for the redemption of the debentures issued
thereunder; and whereas the assessment roll of said town has,
since the passing of said by-law, increased three-fold, and the
levying of said rate would by this time have yielded a much
30 larger sum than the amount required to redeem said debentures
and the payment of the interest thereon, owing to such increase
of assessable property, while the said rate would, if levied
annually until the maturity of said debentures, yield an
amount more than treble the amount of the said debentures;
35 and whereas said sinking fund has never been set apart by the
treasurer or council of said town, though the interest upon
said debentures has always been duly paid; and whereas the
corporation of the town of St. Thomas have, by their petition,
represented that the said town contains a population of
40 upwards of ten thousand souls, and that the said population is
rapidly increasing, and that by reason of its increased and
extensive railway facilities, its large mercantile interests, and
its situation in the midst of a rich agricultural district, the
said town is now, and will continue to be, an important com-
45 mercial centre; and whereas the said corporation of the town
of St. Thomas have been, for some years, separated from the

county of Elgin for municipal purposes; and whereas the said corporation have by their petition also asked and prayed to be incorporated as a city, to be called "The city of St. Thomas," and also to have the limits thereof extended, by adding thereto the lands and premises hereinafter mentioned, and to have the said city divided into six wards; and whereas the said corporation have set forth, in their said petition, that the ratepayers in St. David's Ward of said town have agreed to become equally liable with the remaining three wards of said town for all the liabilities and indebtedness thereof, provided the present water-works system be extended for fire protection along Talbot street eastward as far as Balaclava street, in said ward provided said ward gets a proportionate share of all the assets possessed by the said town; and whereas the said corporation have petitioned to have the assets held as separate property by a portion of said town vested equally in the whole city, and to have all the wards thereof made equally liable for the existing indebtedness of the said town, and also to make it compulsory upon the corporation of the city of St. Thomas to extend the water-works system as aforesaid, and for the right and power to construct a main sewer or outlet for the drainage of said city, and to issue debentures to defray the expense thereof; and whereas a by-law has been passed by said town granting fifty thousand dollars in debentures of said town to assist the construction of the Credit Valley Railway from Ingersoll to St. Thomas, which by-law provides that said debentures shall not be delivered until an Act be passed incorporating said town as a city, extending its limits, redistributing its wards, equalizing taxation, and extending the water-works therein as aforesaid; and whereas the Canada Southern Railway Company and the Credit Valley Railway Company have assented to such of the provisions of this Act hereinafter contained as affect or relate to them respectively; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of city of St.
Thomas.

1. On and after the passing of this Act, the said town of St. Thomas shall be and is hereby incorporated as a city, and shall be known hereafter as the corporation of the city of St. Thomas, and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said city of St. Thomas if the same had been incorporated as a city under the provisions of "The Municipal Act," except when otherwise provided by this Act.

Certain lands
added to exist-
ing town
limits.

2. The lands and premises following, that is to say, the south halves of lots numbers four and five and that portion of the west half of the south half of lot number six which lies west of the centre line of First Avenue produced southward to the concession road, in the eighth concession of the township of Yarmouth in the county of Elgin, together with all that strip of land lying north of the present northern boundary of said town, and between such northern boundary and a line one hundred and thirty-two feet north of and parallel to the northerly limit of Barwick street, said strip of land commencing at a line produced due north from

the point of intersection of the west limit of Hiawatha street with the lands of the Great Western Railway Company and continuing to the centre line of First Avenue produced northward; also that portion of the west half of the south half of lot number six in the ninth concession of Yarmouth aforesaid, which lies west of the centre line of First Avenue produced northward, shall be detached from the township of Yarmouth and added to the existing limits of the said town, and form part of the said city of St. Thomas; and all that portion of the north half of the west half of lot number six in the said eighth concession, which lies east of the centre line of First Avenue aforesaid, and which may heretofore have been within the limits of said town of St. Thomas, is hereby detached from the town of St. Thomas and added to the township of Yarmouth; but that portion, the north half of lot number six in the eighth concession of the township of Yarmouth, situate on the north-west corner thereof, known as the Willoughby Clarke one half acre, being the half acre referred to in chapter fifty-nine of the Statutes of Ontario, passed in the thirty-fourth year of her Majesty's reign, shall not be included within the limits of said city, but shall remain as heretofore a portion of the township of Yarmouth.

3. Notwithstanding anything contained in the several Acts, or in the proclamation in the preamble to this Act mentioned, the city of St. Thomas shall be divided into six wards, in the manner described in the schedule to this Act, to be named respectively First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward and Sixth Ward, and all the property and assets of the said town of St. Thomas shall belong to the city of St. Thomas generally, and without any distinction, and all the debts, liabilities and obligations of the said town of St. Thomas shall be assumed and paid by the corporation of the city of St. Thomas, *and shall be levied* without any discrimination as to the wards thereof, and the said corporation shall, within one year from the date of incorporation as a city as aforesaid, extend the system of water-works now in use in said town along Talbot street eastward as far as Balaclava street; and the officers and servants of the said town of St. Thomas shall, until superseded in, or removed from office by the council of the said city, remain the officers and servants of the said city of St. Thomas.

City to be divided into six wards.

Property of town to belong to city.

4. The provisions of the Municipal Act relating to matters consequent upon the formation of new municipal corporations, and the other provisions of the "Municipal Act" aforesaid, shall, except so far as herein otherwise provided, apply to the said corporation of the city of St. Thomas in the same manner as if the said town had been erected into a city under the provisions of the Municipal Act.

Municipal Act to apply.

5. The present mayor and council of the said town shall be and continue to be the mayor and council of the said city, and shall hold office until the election of their successors, as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation or disqualification of said mayor, or any member of said council, a new election shall be held to fill the vacancy

Mayor and council of town to remain in office.

under the provisions of the Municipal Act, and the qualified voters of the ward represented by any such member, immediately prior to the passing of this Act, shall be the persons entitled to vote at any such new election.

Qualification
of electors.

6. At any election in the said city held prior to the first day of February next after the passing of this Act, the qualification of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor, aldermen and officers, shall be the same as that required in cities. 5 10

First election
of mayor.

7. Henry Francis Ellis, of the said town of St. Thomas, esquire, who is now the clerk thereof, or in case of his death or inability to act, such other person as the council of the said town may, by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and incumbent upon the returning officer to hold such nomination at the city hall, in the city of St. Thomas, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December. 15 20

Powers and
duties of
returning officer.

8. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead. 25

Constitution
of council.

9. Notwithstanding anything contained in the Municipal Act to the contrary, the council of the said city to be elected as aforesaid, shall consist of a mayor, who shall be the head thereof, and twelve aldermen, two aldermen being elected for each ward, but all the other provisions of law relating to municipal elections, shall apply to the elections in said city; and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal law in city councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils. 30 35

Power to
organize
police force.

10. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force, and to regulate and control the same, and the members thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said Municipal Act respecting police commissioners, shall not apply or be of any effect, unless and until adopted by by-law of the said city council; but this section shall not apply or have any power or effect after it shall appear from any general census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that the said city contains fifteen thousand inhabitants or more. 40 45

Power as to
drainage.

11. And whereas, in order to find an outlet for the drainage of said city, it will be necessary to construct a large sewer from Talbot street along Elgin street, to and through a ravine south of Wellington street and west of Elgin street, and along 50

the flats known as the Blackwood flats, to Kettle Creek, at the south-westerly limit of the said town, which said sewer will not benefit any of the owners or occupants through whose lands it may pass, after the same diverges from Elgin street, 5 but will be a general benefit to the whole of the ratepayers of said city, and it is desirable that the cost of constructing said main sewer or outlet should be borne and paid by the whole city, except such proportion thereof as would be required to construct an ordinary sewer along Elgin street sufficient for 10 the drainage of the lots fronting on said street, so far as said main sewer shall follow Elgin street: Therefore it is enacted that it shall and may be lawful for the council of the said city, when, and so soon as they are prepared to construct said main sewer or outlet for the drainage of said city, to issue debentures for such sum or sums as may be required to defray the 15 cost of constructing said main sewer or outlet from Talbot street southward to a point at Kettle Creek, being at the south-westerly limit of said town of St. Thomas, which said debentures shall be a charge upon the whole city; but nevertheless, it shall be lawful for the council of said city to receive and collect from the owners or occupants of lots on Elgin street aforesaid, abutting on said main sewer or outlet, such 20 proportion of the cost of constructing said main sewer or outlet as would be required to construct an ordinary sewer along said street, sufficient for the drainage of all the adjacent property, which said proportion may be ascertained by any competent engineer who may be appointed by said council for that purpose: Provided always, that no such debentures shall issue unless and until the by-law or by-laws creating the same, 25 shall have been submitted and assented to by the electors of the said city, in the manner required by, and in compliance with, the provisions of the "Municipal Act" in that behalf.

 12. The corporation of the said city shall not after the passing of this Act levy the rate provided for by the by-law 35 granting said bonus of twenty-five thousand dollars to the Canada Southern Railway Company, but shall hereafter, during the currency of the debentures issued under the said by-law, levy and raise the annual sum of fifteen hundred dollars, and apply the same in payment of the interest on such debentures as the same becomes payable. The bonds of the London and Port Stanley Railway Company to the amount of thirty-two thousand dollars, now belonging to the said corporation, 40 being bonds each for the sum of bearing date the day of A.D. 18 and numbered respectively,

Provisions as to payment of debentures issued for bonus to Canada Southern Railway.

shall be specially held by and are hereby specially charged in the hands of the corporation of the said city as a security to the holders of such debentures for the payment of such debentures at maturity, and so long as the interest on such debentures 50 is regularly paid the said corporation may use the interest received by them on such bonds for such purposes as they think proper, but the said bonds or the proceeds thereof, if sold, shall not be used for or applied to any other purpose than the payment of such debentures, provided always that the said corporation may at any time in their discretion sell the said bonds, 55 but not at a less price than twenty-five thousand dollars for the whole or after that rate for a part thereof, and in the event

of any such sale or sales, they shall invest the proceeds thereof to the amount of twenty-five thousand dollars in securities as provided for by section three hundred and fifty-eight of the Municipal Act, and such bonds or the proceeds thereof or the securities in which the same may be invested, as the case may be, shall be applicable to the redemption of such debentures and shall not be used or applied for any other purpose until all the said debentures and interest thereon be fully paid.

Delivery of debentures for bonus to Credit Valley Railway to trustees when to be made.

13. Notwithstanding anything contained in the by-law of the said town of St. Thomas granting the sum of fifty thousand dollars in debentures of the said town to aid the Credit Valley Railway Company in the extension of their line from Ingersoll to the town of St. Thomas, the corporation of the city of St. Thomas shall, so soon as the said company shall have given to the corporation of the said city the bonds in the said by-law mentioned, deliver the said debentures to the trustees therein mentioned, but the said trustees shall not hand over the said debentures to the said company until the said company shall have run a train of cars over their said extension from Ingersoll to St. Thomas; nor until the said trustees have cut off and destroyed all coupons for interest up to the gale day next preceding the running of the said train, and the said by-law and the debentures issued thereunder are, notwithstanding any other conditions contained therein, hereby declared to be legal and valid.

25

Company to which Credit Valley Railway bonus transferred to give bond to city.

14. In the event of the said bonus so granted to the Credit Valley Railway Company being transferred under any Act of the Legislature of Ontario to any other company, the conditions upon which the said bonus has been granted shall be binding upon the said company, and the bond of the said company for the due fulfilment thereof shall, in addition to the bond of the Credit Valley Railway Company, be given to the corporation of said city before the said debentures shall be issued and handed over as aforesaid, and the corporation of the said city shall be entitled to appoint a director upon the board of the said company to which said bonus may be transferred in the manner provided in the Acts relating to the Credit Valley Railway Company.

Commutation of taxes to be paid by Canada Southern Railway.

15. The taxes to be paid by the Canada Southern Railway Company to the said city upon all their real property lying north of Wellington street in the said city, and upon all their personal property in the said city including all water pipes and hydrants and other property used in connection with their water-works system within the corporation of said city, provided said water-works are not used for any other purpose than fire protection, and the supply of water for their own use, shall be commuted by the said city for the term of fifteen years as follows, namely, fifteen hundred dollars per year for five years from the year one thousand eight hundred and eighty-two to the year one thousand eight hundred and eighty-six inclusive, two thousand dollars per year for five years from the year one thousand eight hundred and eighty-seven to the year one thousand eight hundred and ninety-one inclusive, and two thousand five hundred dollars per year for five years from the year one thousand eight hundred and ninety-two to the year one thousand eight hundred and ninety-six

inclusive, the said several sums to cover in addition all taxes, rates and assessments whatsoever against said company's property adjoining the north boundary of Centre street, in said city, but nothing herein contained shall free any of the
 5 property of said company other than said property adjoining Centre street on the north from frontage rates, taxes or assessments; Provided also, that so soon as any of the property of said company may be sold or leased, the same shall forthwith be liable to the same rates, taxes and assessments as other
 10 private property in the said city. 

SCHEDULE.

1. First Ward shall comprise all that part of the said city which is bounded on the southwest and north by Kettle Creek, on the east by a line in the centre of Margaret, William, and New streets, to be produced, north and south until it intersects Kettle Creek.

2. Second Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of First ward, on the north by Kettle Creek, on the east by a line in the centre of Pearl and Metcalfe streets, to be produced, north and south until it intersects Kettle Creek, and on the south by Kettle Creek.

3. Third Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Second Ward, on the north by the present boundary of said city, on the south by the northern boundary of the road allowance between the seventh and eighth concessions of the township of Yarmouth and Kettle Creek. The eastern boundary is described as follows:—Commencing at the intersection of the centre of East Avenue, with the boundary of lot number three, formerly in the eighth concession of the township of Yarmouth, thence north along a line in the centre of East Avenue, and produced, to the limit between the north and south halves of said lot number three, thence west along said limit to where a line in the centre of Southwick street produced, south would intersect said limit, thence northerly along the centre of Southwick, Francis, and Hiawatha streets, to the southern boundary of the Great Western Railway grounds, thence due north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

4. Fourth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of Third Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Flora street, to be produced, north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, and a line in the centre of Ross street, to be produced, south to the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

5. Fifth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of

Fourth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Fourth Avenue, and a line in the centre of Balaclava street, to be produced, south to Wellington street, and north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

 6. Sixth Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Fifth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of First Avenue produced north to a point one hundred and thirty two feet north of the north boundary of Barwick street produced and produced south to the northern limit of the road allowance between the seventh and eighth concessions of the said township of Yarmouth; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street produced; excepting thereout, however, that portion of the north half of lot number six in the eighth concession of the said township of Yarmouth situate in the north-west corner thereof, known as the Willoughby Clarke, one half acre, being the one half acre referred to in chapter fifty-nine of the Statutes of Ontario, passed in the thirty-fourth year of Her Majesty's reign. 

BILL.

An Act to incorporate the City of St.
Thomas.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the City of St. Thomas.

WHEREAS by an Act passed by the late Province of Preamble
Canada, in the twenty-third year of Her Majesty's
reign, intituled "An Act to incorporate the town of St.
Thomas," the said town was divided into three wards, named
5 respectively St. Andrew's Ward, St. George's Ward and St.
Patrick's Ward; and by a certain other Act of the Province
of Ontario, passed in the thirty-fourth year of Her Majesty's
reign, intituled "An Act to extend the limits of the corpora-
tion of the town of St. Thomas," a large tract of land was
10 annexed to said town and named St. David's Ward, and by
said last mentioned Act it is provided that the lands included
in said ward and so annexed to the said town, should not be
liable for any portion of the indebtedness contracted by the
corporation of the said town prior to the passing of the said
15 Act, except in respect of a bonus of twenty-five thousand dol-
lars granted to the Canada Southern Railway Company, nor
entitled to any of the assets possessed by the corporation of
the town of St. Thomas prior to such annexation; and
whereas the limits of the said town have been further extended
20 by proclamation published in the *Ontario Gazette*; and
whereas a special rate of three mills and nine-tenths of a mill
on the dollar on the assessed value of the said town was pro-
vided by the by-law granting said bonus of twenty-five thou-
sand dollars to the Canada Southern Railway Company, to be
25 levied annually and set apart for the payment of interest and
as a sinking fund for the redemption of the debentures issued
thereunder; and whereas the assessment roll of said town has,
since the passing of said by-law, increased three-fold, and the
levying of said rate would by this time have yielded a much
30 larger sum than the amount required to redeem said debentures
and the payment of the interest thereon, owing to such increase
of assessable property, while the said rate would, if levied
annually until the maturity of said debentures, yield an
amount more than treble the amount of the said debentures;
35 and whereas said sinking fund has never been set apart by the
treasurer or council of said town, though the interest upon
said debentures has always been duly paid; and whereas the
corporation of the town of St. Thomas have, by their petition,
represented that the said town contains a population of
40 upwards of ten thousand souls, and that the said population is
rapidly increasing, and that by reason of its increased and
extensive railway facilities, its large mercantile interests, and
its situation in the midst of a rich agricultural district, the
said town is now, and will continue to be, an important com-
45 mercial centre; and whereas the said corporation of the town
of St. Thomas have been, for some years, separated from the

county of Elgin for municipal purposes; and whereas the said corporation have by their petition also asked and prayed to be incorporated as a city, to be called "The city of St. Thomas," and also to have the limits thereof extended, by adding thereto the lands and premises hereinafter mentioned, and to have the said city divided into six wards; and whereas the said corporation have set forth, in their said petition, that the ratepayers in St. David's Ward of said town have agreed to become equally liable with the remaining three wards of said town for all the liabilities and indebtedness thereof, provided the present water-works system be extended for fire protection along Talbot street eastward as far as Balaclava street, in said ward provided said ward gets a proportionate share of all the assets possessed by the said town; and whereas the said corporation have petitioned to have the assets held as separate property by a portion of said town vested equally in the whole city, and to have all the wards thereof made equally liable for the existing indebtedness of the said town, and also to make it compulsory upon the corporation of the city of St. Thomas to extend the water-works system as aforesaid, and for the right and power to construct a main sewer or outlet for the drainage of said city, and to issue debentures to defray the expense thereof; and whereas a by-law has been passed by said town granting fifty thousand dollars in debentures of said town to assist the construction of the Credit Valley Railway from Ingersoll to St. Thomas, which by-law provides that said debentures shall not be delivered until an Act be passed incorporating said town as a city, extending its limits, redistributing its wards, equalizing taxation, and extending the water-works therein as aforesaid; and whereas the Canada Southern Railway Company and the Credit Valley Railway Company have assented to such of the provisions of this Act hereinafter contained as affect or relate to them respectively; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of city of St.
Thomas.

1. On and after the passing of this Act, the said town of St. Thomas shall be and is hereby incorporated as a city, and shall be known hereafter as the corporation of the city of St. Thomas, and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said city of St. Thomas if the same had been incorporated as a city under the provisions of "The Municipal Act," except when otherwise provided by this Act.

Certain lands
added to exist-
ing town
limits.

2. The lands and premises following, that is to say, the south halves of lots numbers four and five and that portion of the west half of the south half of lot number six which lies west of the centre line of First Avenue produced southward to the concession road, in the eighth concession of the township of Yarmouth in the county of Elgin, together with all that strip of land lying north of the present northern boundary of said town, and between such northern boundary and a line one hundred and thirty-two feet north of and parallel to the northerly limit of Barwick street, said strip of land commencing at a line produced due north from

the point of intersection of the west limit of Hiawatha street with the lands of the Great Western Railway Company and continuing to the centre line of First Avenue produced northward; also that portion of the west half of the south half
 5 of lot number six in the ninth concession of Yarmouth aforesaid, which lies west of the centre line of First Avenue produced northward, shall be detached from the township of Yarmouth and added to the existing limits of the said town, and form part of the said city of St. Thomas; and all that portion of
 10 the north half of the west half of lot number six in the said eighth concession, which lies east of the centre line of First Avenue aforesaid, and which may heretofore have been within the limits of said town of St. Thomas, is hereby detached from the town of St. Thomas and added to the township of Yar-
 15 mouth; but that portion of the north half of lot number six in the eighth concession of the township of Yarmouth, situate on the north-west corner thereof, known as the Willoughby Clarke one half acre, being the half acre referred to in chapter fifty-nine of the Statutes of Ontario, passed in the thirty-fourth
 20 year of her Majesty's reign, shall not be included within the limits of said city, but shall remain as heretofore a portion of the township of Yarmouth. 

3. Notwithstanding anything contained in the several Acts, City to be divided into six wards.
 or in the proclamation in the preamble to this Act mentioned,
 25 the city of St. Thomas shall be divided into six wards, in the manner described in the schedule to this Act, to be named respectively First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward and Sixth Ward, and all the property
 and assets of the said town of St. Thomas shall belong to the
 30 city of St. Thomas generally, and without any distinction, and all the debts, liabilities and obligations of the said town of St. Thomas shall be assumed and paid by the corporation of the city of St. Thomas, *and shall be levied* without any discrimination as to the wards thereof, and the said corporation
 35 *shall*, within one year from the date of incorporation as a city as aforesaid, extend the system of water-works now in use in said town along Talbot street eastward as far as Balaclava street; and the officers and servants of the said town of St. Thomas shall, until superseded in, or removed from
 40 office by the council of the said city, remain the officers and servants of the said city of St. Thomas.

4. The provisions of the Municipal Act relating to matters Municipal Act to apply.
 consequent upon the formation of new municipal corporations, and the other provisions of the "Municipal Act" aforesaid,
 45 shall, except so far as herein otherwise provided, apply to the said corporation of the city of St. Thomas in the same manner as if the said town had been erected into a city under the provisions of the Municipal Act.

5. The present mayor and council of the said town shall be Mayor and council of town to remain in office.
 50 and continue to be the mayor and council of the said city, and shall hold office until the election of their successors, as provided by the *Municipal Act*, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and in the event
 55 of death, resignation or disqualification of said mayor, or any member of said council, a new election shall be held to fill the

vacancy under the provisions of the Municipal Act, and the qualified voters of the ward represented by any such member, immediately prior to the passing of this Act, shall be the persons entitled to vote at any such new election.

Qualification
of electors, etc

6. At any election in the said city held prior to the first 5
day of February next after the passing of this Act, the qualification of the electors, *mayor, aldermen and officers respectively*, shall be the same respectively as required for *electors, mayor, councillors, and officers respectively*, in towns, and at all subsequent elections the qualifications of the electors, 10
mayor, aldermen and officers, shall be the same as that required in cities.

First election
of mayor.

7. Henry Francis Ellis, of the said town of St. Thomas 5
esquire, who is now the clerk thereof, or in case of his death or inability to act, such other person as the council of the said 15
town may, by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for, and incumbent upon the returning officer to hold 20
such nomination at the city hall, in the city of St. Thomas, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

Powers and
duties of
returning officer.

8. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the ap- 25
pointment by the council thereof of some other person in his place and stead.

Constitution
of council.

9. Notwithstanding anything contained in the Municipal Act to the contrary, the council of the said city to be elected as aforesaid, shall consist of a mayor, who shall be the head 30
thereof, and twelve aldermen, two aldermen being elected for each ward, but all the other provisions of law relating to municipal elections, shall apply to the elections in said city; and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by 35
the said municipal law in city councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Power to
organize
police force.

10. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police 40
force, and to regulate and control the same, and the members thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said Municipal Act respecting police commissioners, shall not apply or be of any effect, unless and until adopted by by-law of the said city 45
council; but this section shall not apply or have any power or effect after it shall appear from any general census, or from any census which may be taken by the assessor, or under a by-law of the municipality, that the said city contains fifteen thousand inhabitants or more. 50

Power as to
drainage.

11. And whereas, in order to find an outlet for the drainage of said city, it will be necessary to construct a large sewer from Talbot street along Elgin street, to and through a ravine

south of Wellington street and west of Elgin street, and along the flats known as the Blackwood flats, to Kettle Creek, at the south-westerly limit of the said town, which said sewer will not benefit any of the owners or occupants through whose lands it may pass, after the same diverges from Elgin street, but will be a general benefit to the whole of the ratepayers of said city, and it is desirable that the cost of constructing said main sewer or outlet should be borne and paid by the whole city, except such proportion thereof as would be required to construct an ordinary sewer along Elgin street sufficient for the drainage of the lots fronting on said street, so far as said main sewer shall follow Elgin street: Therefore it is enacted that it shall and may be lawful for the council of the said city, when, and so soon as they are prepared to construct said main sewer or outlet for the drainage of said city, to issue debentures for such sum or sums as may be required to defray the cost of constructing said main sewer or outlet from Talbot street southward to a point at Kettle Creek, being at the south-westerly limit of said town of St. Thomas, which said debentures shall be a charge upon the whole city; but nevertheless, it shall be lawful for the council of said city to receive and collect from the owners or occupants of lots on Elgin street aforesaid, abutting on said main sewer or outlet, such proportion of the cost of constructing said main sewer or outlet, *not exceeding the sum of fifty cents per foot for each foot frontage of any lot*, as would be required to construct an ordinary sewer along said street, sufficient for the drainage of all the adjacent property, which said proportion may be ascertained by any competent engineer who may be appointed by said council for that purpose: Provided always, that no such debentures shall issue unless and until the by-law or by-laws creating the same, shall have been submitted and assented to by the electors of the said city, in the manner required by, and in compliance with, the provisions of the "Municipal Act" in that behalf.

12. The corporation of the said city shall not after the passing of this Act levy the rate provided for by the by-law granting said bonus of twenty-five thousand dollars to the Canada Southern Railway Company, but shall hereafter, during the currency of the debentures issued under the said by-law, levy and raise the annual sum of fifteen hundred dollars, and apply the same in payment of the interest on such debentures as the same becomes payable. The bonds of the London and Port Stanley Railway Company to the amount of *six thousand five hundred pounds sterling*, now belonging to the said corporation, being *sixty-five first mortgage bonds*, each for the sum of *one hundred pounds sterling*, bearing date the *first day of February, A.D. eighteen hundred and fifty-five*, and numbered respectively *from seven hundred and fifty-seven to eight hundred and twenty-one inclusive*, shall be specially held by and are hereby specially charged in the hands of the corporation of the said city as a security to the holders of such debentures for the payment of such debentures at maturity, and so long as the interest on such debentures is regularly paid the said corporation may use the interest received by them on such bonds for such purposes as they think proper, but the said bonds or the proceeds thereof, *to the extent of twenty-five thousand dollars*, if sold, shall not be used for

Provisions as to payment of debentures issued for bonus to Canada Southern Railway.

or applied to any other purpose than the payment of such debentures, provided always that the said corporation may at any time in their discretion sell the said bonds, but not at a less price than twenty-five thousand dollars for the whole or after that rate for a part thereof, and in the event of any such sale or sales, they shall invest the proceeds thereof to the amount of twenty-five thousand dollars in securities as provided for by section three hundred and fifty-eight of the Municipal Act, and such bonds or the proceeds thereof, *to the extent of twenty-five thousand dollars*, or the securities in which the same may be invested, as the case may be, shall be applicable to the redemption of such debentures, and shall not be used or applied for any other purpose until all the said debentures and interest thereon be fully paid.

Delivery of debentures for bonus to Credit Valley Railway to trustees when to be made.

13. Notwithstanding anything contained in the by-law of the said town of St. Thomas granting the sum of fifty thousand dollars in debentures of the said town to aid the Credit Valley Railway Company in the extension of their line from Ingersoll to the town of St. Thomas, the corporation of the city of St. Thomas shall, so soon as the said company shall have given to the corporation of the said city the bond in the said by-law mentioned, deliver the said debentures to the trustees therein mentioned, but the said trustees shall not hand over the said debentures to the said company until the said company shall have run a train of cars over their said extension from Ingersoll to St. Thomas; nor until the said trustees have cut off and destroyed all coupons for interest up to the gale day next preceding the running of the said train, and the said by-law and the debentures issued thereunder are, notwithstanding any other conditions contained therein, hereby declared to be legal and valid: Provided always that said debentures shall be delivered up by said trustees to the corporation of said city to be cancelled at the expiration of five years from the passing of this Act, should the said extension not be completed by that date so as to permit a train to run between Ingersoll and St. Thomas.

Company to which Credit Valley Railway bonus transferred to give bond to city.

14. In the event of the said bonus *so granted to the Credit Valley Railway Company* being transferred under *any* Act of the Legislature of *Ontario* to any other company, the conditions upon which the said bonus has been granted shall be binding upon the said company, and the bond of the said company for the due fulfilment thereof shall, in addition to the bond of the Credit Valley Railway Company, be given to the corporation of said city before the said debentures shall be issued and handed over as aforesaid; and the corporation of the said city shall be entitled to appoint a director upon the board of the said company to which said bonus may be transferred in the manner provided in the Acts relating to the Credit Valley Railway Company.

Commutation of taxes to be paid by Canada Southern Railway.

15. The taxes to be paid by the Canada Southern Railway Company to the said city upon all their real property lying north of Wellington street in the said city, and all property of the company used for railway purposes, extending to the west limit of the said city, and upon all their personal property in the said city including all water pipes and hydrants and other property used *or held* in connection with

their water-works system within the corporation of said city, provided said water-works are not used for any other purpose than fire protection, and the supply of water for their own use, shall be commuted by the said city for the term of fifteen
 5 years as follows, namely, fifteen hundred dollars per year for five years from the year one thousand eight hundred and eighty-two to the year one thousand eight hundred and eighty-six inclusive, two thousand dollars per year for five years from
 10 the year one thousand eight hundred and eighty-seven to the year one thousand eight hundred and ninety-one inclusive, and two thousand five hundred dollars per year for five years from the year one thousand eight hundred and ninety-two to the year one thousand eight hundred and ninety-six
 15 inclusive, the said several sums to cover all taxes, rates and assessments whatsoever against said company's property adjoining the north boundary of Centre street, in said city, but nothing herein contained shall free any of the property of
 20 said company other than said property adjoining Centre street on the north from *local or* frontage rates, taxes or assessments; Provided also, that so soon as any of the property of said company may be sold or leased, the same shall forthwith be liable to the same rates, taxes and assessments as other private property in the said city. 

SCHEDULE.

1. First Ward shall comprise all that part of the said city which is bounded on the southwest and north by Kettle Creek, on the east by a line in the centre of Margaret, William, and New streets, to be produced, north and south until it intersects Kettle Creek.

2. Second Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of First ward, on the north by Kettle Creek, on the east by a line in the centre of Pearl and Metcalfe streets, to be produced, north and south until it intersects Kettle Creek, and on the south by Kettle Creek.

3. Third Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Second Ward, on the north by the present boundary of said city, on the south by the northern boundary of the road allowance between the seventh and eighth concessions of the township of Yarmouth and Kettle Creek. The eastern boundary is described as follows:—Commencing at the intersection of the centre of East Avenue, with the boundary of lot number three, formerly in the eighth concession of the township of Yarmouth, thence north along a line in the centre of East Avenue, and produced, to the limit between the north and south halves of said lot number three, thence west along said limit to where a line in the centre of Southwick street produced, south would intersect said limit, thence northerly along the centre of Southwick, Francis, and Hiawatha streets, to the southern boundary of the Great Western Railway grounds, thence due north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

4. Fourth Ward shall comprise all that part of the said city, which is bounded on the west by the eastern boundary of Third Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Flora street, to be produced, north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, and a line in the centre of Ross street, to be produced, south to the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

5. Fifth Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Fourth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of Fourth Avenue, and a line in the centre of Balaclava street, to be produced, south to Wellington street, and north to a point one hundred and thirty-two feet north of the north boundary of Barwick street, produced; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street, produced.

 6. Sixth Ward shall comprise all that part of the said city which is bounded on the west by the eastern boundary of Fifth Ward, on the south by the northern limit of the road allowance between the seventh and eighth concessions of the township of Yarmouth, on the east by a line in the centre of First Avenue produced north to a point one hundred and thirty two feet north of the north boundary of Barwick street produced and produced south to the northern limit of the road allowance between the seventh and eighth concessions of the said township of Yarmouth; on the north by a line one hundred and thirty-two feet north of the north boundary of Barwick street produced; excepting thereout, however, that portion of the north half of lot number six in the eighth concession of the said township of Yarmouth situate in the north-west corner thereof, known as the Willoughby Clarke one-half acre, being the one half acre referred to in chapter fifty-nine of the Statutes of Ontario, passed in the thirty-fourth year of Her Majesty's reign. 

No. 6.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the City of St.
Thomas.

(Reprinted as amended.)

First Reading, 26th January, 1881.
Second " 25th February, 1881.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Act to incorporate Knox College.

WHEREAS Knox College, by its petition, represents that Preamble.
the said college is an institution for the theological education of students for the ministry of the Presbyterian Church in Canada, and has been incorporated for that purpose
5 by chapter sixty-nine of the statutes of the then Province of Canada, passed in the session held in the twenty-second year of the reign of Her Majesty Queen Victoria; that since the foundation of said college between three hundred and four hundred students have received in it their theological edu-
10 cation; that nearly all the students of said college have received the greater part of their literary education at University College, Toronto; that the students of Knox College will, to a great extent, seek their education in arts at said University College; that neither the University of To-
15 ronto nor said Knox College has power to confer degrees in divinity, and the said students are thus precluded from obtaining such degrees from the institutions where they have received their literary and theological education; that the said college has a staff of professors and tutors, and a valuable theo-
20 logical library, and has erected large and expensive buildings at Toronto, in proximity to said University College, for the purpose of affording a thorough education to the said students for the ministry of said Presbyterian Church; and that said Knox College is already partially endowed, and is constantly receiv-
25 ing further sums towards completing said endowment; and whereas the said Knox College has prayed that in order to promote a higher standard of theological learning, and to prevent its students from being compelled to resort to other colleges for degrees in divinity, power might be granted to it to
30 confer such degrees; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

35 1. The senate of Knox College shall have power to confer the degree of Bachelor of Divinity and Doctor of Divinity upon graduates in Arts of such universities as the said senate shall recognize for that purpose, as well as upon such students of the said college as have, before the passing of this
40 Act, completed the regular course of theological study therein, and are now ordained ministers of the Presbyterian Church in Canada, subject however, in either case, to such regulations as to examination or otherwise as may, from time to time, be prescribed by by-law of the said senate.

Power to confer degrees in Divinity.

45 2. The said senate shall also have power to confer the honorary degree of Doctor of Divinity, and may make by-laws Grees. and regulations touching any matter or thing pertaining to the conditions on which said degree may be conferred.

BILL.

An Act to amend the Act to incorporate
Knox College.

First Reading, , 1881.

(*PRIVATE BILL*)

Mr. GIBSON, (*Hamilton*).

TORONTO :

PRINTED BY C BLACKETT ROBINSON.

An Act to organize the Municipality of Neebing.

- W**HEREAS John McKellar, Peter McKellar, Edward Ingalls, P. L. Knappin, Neil McDougall, J. N. Black, Daniel McKellar, and P. J. Brown, being householders and freeholders of the municipality of Shuniah, have, by their petition, represented
5 that it is desirable that certain portions of the said municipality should be withdrawn therefrom and formed into a new municipality, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;
- 10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
1. The following townships, islands, and other lands in the district of Thunder Bay, namely: the townships of Blake,
15 Crooks, Pardee, Paipoonge, Neebing, McKellar, and the several islands in front of the said townships, respectively, and also the islands by section three of the Act passed in the thirty-sixth year of the reign of Her present Majesty, and chaptered fifty, formed into "Island Ward," are hereby withdrawn from
20 the municipality of Shuniah and organized as a separate municipality, called "The Municipality of Neebing," and the inhabitants thereof are hereby constituted a body corporate under the name of "The Corporation of the Municipality of Neebing."
- Limits of municipality of Neebing.
- 25 2. The said corporation shall have and possess all the rights, powers, liabilities and incidents of a township municipality; and the council thereof shall have power to pass by-laws for such purposes as are provided for townships under "The Municipal Act," and the provisions of the said Act, and of "The
30 Assessment Act" relating to township municipalities and their officers shall apply to the municipality erected under this Act, except where inconsistent with any express provision of this Act; and the provisions of the law at any time in force respecting public schools in municipalities without county organization shall also apply to the said municipality.
- Corporation to have rights of township municipalities.
3. Every township, with the islands in front thereof, shall
be considered, and is hereby declared to be, a ward of the said new municipality; and the islands numbered one and two at the mouth of the Kaministiquia River, together with Georgina
40 Islet in front, shall be attached to the township of McKellar, and constitute the McKellar Ward.
- Wards.
4. The nominations for the first election shall be held at
Fort William, and the polling shall take place at such places
First election.

within the various wards, or adjacent thereto, as the stipendiary magistrate of the district of Thunder Bay shall, by his proclamation, appoint. The polling day shall not be less than two weeks nor more than six weeks from the day of nomination.

5

Returning officers.

5. Such persons shall act as returning officers in the various wards as the said stipendiary magistrate may in writing appoint.

One councillor to be elected for each ward.

6. The electors of each ward shall, at the first and each subsequent election, vote to elect the reeve of the municipality, 10 and also one councillor for such ward.

Qualification of voters.

7. At the said first election every freeholder, whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote for six months next before the election, and being a male of the full 15 age of twenty-one years, and being rated on the assessment roll of the municipality as the owner, tenant or occupant of real property of the actual value of not less than fifty dollars, and, in case of joint owners or joint tenants or occupiers of the like value of fifty dollars for each (unless such real property 20 shall be held as a separate and distinct division of itself, such as gores of land, islets, or village or town lots by actual survey, when it will confer the right to vote irrespective of its value,) shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the 25 following oath:—

I, A. B., [*name of voter*] do solemnly swear, (*or affirm, if the person is by law authorized to affirm in civil matters,*) that I am a freeholder in the township or village of [*naming it, or if the person votes as a householder, and has been resident 30 within the municipality in which he purposes to vote for six months next before the election,*] that I am of the full age of twenty-one years, and that I have not voted before at this election for the reeve or for councillor for this ward. So help me God. [*The person offering to vote may be required in the 30 oath to state the property in respect of which he votes.*]

Qualification of councillors and reeve.

8. No person shall be elected as councillor for more than one ward; and every candidate for the office of councillor shall be a householder or freeholder in the ward in which he is a candidate, to the assessed value of two hundred dollars at the 40 least; and each candidate for the office of reeve shall be a householder or freeholder in the municipality to the like assessed value of two hundred dollars at least.

Constitution of council.

9. The councillors elected for each ward shall with the reeve constitute the council of the said municipality, and the reeve 45 shall be the head of the council, and also a justice of the peace *ex officio* for the said municipality, and for the said district of Thunder Bay.

Nominations and elections.

10. The subsequent nominations shall take place on the fourth Saturday in June, and the elections on the second Sat- 50 urday in July, in each and every year, at such places within or adjacent to the respective wards as the Council may appoint.

11. The said council shall have, and possess all the powers and be subject to all the duties of township councils in Ontario, and the like authority in respect to taverns and shops within the municipality and the licenses therefor as the councils of townships possess under the "Liquor License Act"; and shall have power to pass by-laws for the purpose of:—

(1) Licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise, or effects, by public auction, and for fixing the sum to be paid for such license, and the time it shall be in force ;

(2) Licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become permanent residents in the said municipality, or who go from place to place, or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise, for sale, or in or with any boat, vessel or other craft, or otherwise carrying goods, wares or merchandise for sale ; and for fixing a sum to be paid for a license for exercising such calling within the said municipality, and the time such license shall be in force ; and for providing the Clerk of the said municipality with licenses in this and the previous sub-section mentioned, for sale to parties applying for the same in the municipality under such regulations as may be prescribed in such by-law ;

(3) Licensing and regulating ferries between any two places within the said municipality, and establishing the rates of ferriage to be taken thereon ; but no such by-law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council ;

(4) Licensing and regulating the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire ; for establishing the rates of fares to be taken by the owners or drivers thereof, and for enforcing payment of such fares.

12. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

13. The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council ; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

14. The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, at the same time entering on said roll whether the owners are resident or not ; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment.

15. The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.

- Appeal against assessment.** **16.** Any person so assessed, if he shall complain of his assessment, shall within one month after the time fixed for returning said roll, notify in writing the clerk, of his grounds of complaint.
- Council to hear and determine appeal.** **17.** The said council shall, within one month after the time fixed for returning the roll, appoint a time and place for the Court of Revision to hear said complaints, and such court shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly. 5 10
- Appeal from court of revision.** **18.** An appeal may be had from the decision of the Court of Revision to the stipendiary magistrate, in the same manner as to the county judge in other municipalities, and the decision of the stipendiary magistrate shall be final.
- Notice of appeal.** **19.** Notices of appeal shall in all cases of appeal to the stipendiary magistrate be left with the clerk of the municipality. 15
- Powers of stipendiary magistrate as to appeals.** **20.** The stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals, as are performed by the county judge in other municipalities in like cases. 20
- Revised roll to be the roll of the municipality.** **21.** The said roll so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.
- Council to fix time for making assessment.** **22.** The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years: Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year. 25
- Collector's return and powers.** **23.** The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the Municipal Act. 30
- Council to levy rates.** **24.** The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality; and also such further sums as may be required for public school purposes. 35
- Mineral land, how taxable.** **25.** Mineral land in the municipality of Neebing shall, for the purposes of municipal taxation, be estimated at the value placed on land in the neighbourhood held or used for agricultural or ordinary purposes. 40
- Exemptions.** **26.** The following property in the said municipality shall be exempt from municipal taxation, namely: mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw mills, grist mills, and planing mills, and the machinery and plant thereof, and the revenue derived therefrom. 45

Council may
establish a
lock-up house.

Appointment
of a constable
thereto.

27. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: Provided always, that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. 5

Appointment
and removal
of constables.

28. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario; and the said council shall have the power from time to time to remove the constables for any misconduct in their office, and shall also regulate the fees to be paid said constables: Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district; and the stipendiary magistrate shall also have the power of removing or suspending any constable for neglect of duty or other misconduct. 10 15 20

No. 8.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to organize the Municipality of
Neebing.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to organize the Municipality of Neebing.

WHEREAS John McKellar, Peter McKellar, Edward Ingalls, P. L. Knappin, Neil McDougall, J. N. Black, Daniel McKellar, and P. J. Brown, being householders and freeholders of the municipality of Shuniah, have, by their petition, represented
 5 that it is desirable that certain portions of the said municipality should be withdrawn therefrom and formed into a new municipality, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following townships, islands, and other lands in the district of Thunder Bay, namely: the townships of Blake,
 15 Crooks, Pardee, Paipoonge, Neebing, McKellar, and the several islands in front of the said townships, respectively, *and forming parts thereof*, are hereby withdrawn from the municipality of Shuniah and organized as a separate municipality, called "The Municipality of Neebing," and the inhabitants thereof
 20 are hereby constituted a body corporate under the name of The Corporation of the Municipality of Neebing."

Limits of municipality of Neebing.
Corporate name.

2. The said corporation shall have and possess all the rights, powers, liabilities and incidents of a township municipality; and the council thereof shall have power to pass by-laws for
 25 such purposes as are provided for townships under "The Municipal Act," and the provisions of the said Act, and of "The Assessment Act" relating to township municipalities and their officers shall apply to the municipality erected under this Act, except where inconsistent with any express provision of this
 30 Act; and the provisions of the law at any time in force respecting public schools in municipalities without county organization shall also apply to the said municipality, and all the provisions of law now applying to the municipality of Shuniah and not inconsistent with this Act, shall also apply to the
 35 said municipality of Neebing.

Corporation to have rights of township municipalities.

3. The sections of the Municipal Act, from fifty to sixty inclusive, relating to matters consequent upon the formation of new corporations, except as hereinafter provided, shall apply
 40 to the municipality of Neebing, and nothing contained in this Act shall free the townships or wards comprising the municipality of Neebing from any liability now existing against the municipality of Shuniah, and the creditors of the said municipality of Shuniah shall continue to have all the rights

Municipality of Neebing liable for all claims existing against municipality of Shuniah.

and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah. 

Taxes to which
municipality
of Neebing
entitled.

 4. The said municipality of Neebing shall be entitled to 5
ninety per cent. of all taxes levied in any of the wards form-
ing said municipality of Neebing previous to the passing of
this Act, and the said municipality of Neebing shall have full
power and authority to collect the same or any part thereof
uncollected at the time of the coming into force of this Act.  10

Wards.

5. Every township, with the islands in front thereof, *within*
the distance of one mile, shall be considered, and is hereby
declared to be, a ward of the said new municipality; *except*
that the islands numbered one and two at the mouth of the 15
Kaministiquia River, together with Georgina Islet in front,
shall be attached to the township of McKellar, and constitute
the McKellar Ward.

First election.

6. The nominations for the first election shall be held at
Fort William, and the polling shall take place at such *times* 20
and at such places within the *municipality* as the stipen-
diary magistrate of the district of Thunder Bay shall, by his
proclamation, appoint. The polling day shall not be less than
two weeks nor more than six weeks from the day of nomina-
tion. 25

Returning
officers.

7. Such persons shall act as returning officers in the various
wards as the said stipendiary magistrate may in writing ap-
point.

First meeting
of council.

8. The first meeting of the council shall be held at a time
and place to be fixed by the stipendiary magistrate. 30

Appointment
and remunera-
tion of clerk,
treasurer, and
collector.

9. The said council shall, at their first meeting, or as early
as possible thereafter, appoint a clerk, treasurer, and collector,
who shall hold office until removed or dismissed by said coun-
cil; and the said council shall also fix the remuneration to be
paid said officers, by by-law to be passed for that purpose. 35

Appointment
of assessor.

Assessment
rolls.

10. The said council shall, as early as convenient after their
first meeting, appoint one or more assessors, who shall enter
upon a roll, to be provided for that purpose, the names of all
the freeholders and householders in said municipality, and the
amount of all the real and personal property owned by them 40
respectively, and the actual value thereof, at the same time
entering on said roll whether the owners are resident or not;
and the said assessor or assessors shall duly notify the person
or persons so assessed by leaving a notice at his or her place of
abode, or if a non-resident, by *mailing* the same at the nearest 45
post office, *to the address of the person so assessed, if known*,
stating in such notice the particulars of said assessment.

Roll to be re-
turned to
clerk.

11. The said roll shall be returned to the clerk of the muni-
cipality within such time as shall be provided for by a by-law
to be passed by said council. 50

Appeal against
assessment.

12. Any person so assessed, if he shall complain of his
assessment, shall within one month after the time fixed for

returning said roll, notify in writing the clerk, of his grounds of complaint.

13. The said council shall, *thereafter* appoint a time and place, *which time shall be on some day during the months of June, July, August or September*, for the Court of Revision to hear said complaints, and such court shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly. Council to hear and determine appeal.

14. An appeal may be had from the decision of the Court of Revision to the stipendiary magistrate, in the same manner as to the county judge in other municipalities, and the decision of the stipendiary magistrate shall be final. Appeal from court of revision.

15. Notices of appeal shall in all cases of appeal to the stipendiary magistrate be left with the clerk of the municipality. Notice of appeal.

16. The stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals, as are performed by the county judge in other municipalities in like cases. Powers of stipendiary magistrate as to appeals.

17. The said roll so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided. Revised roll to be the roll of the municipality.

18. The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years: Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year. Council to fix time for making assessment.

19. The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the Municipal Act. Collector's return and powers.

20. The council shall, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality; and also such further sums as may be required for public school purposes, *and the debts of the municipality.* Council to levy rates.

21. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: Provided always, that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. Council may establish a lock-up house. Appointment of a constable thereto.

22. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all Appointment and removal of constables.

duties appertaining to constables in Ontario; and the said council shall have the power from time to time to remove the constables for any misconduct in their office, and shall also regulate the fees to be paid said constables: Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district; and the stipendiary magistrate shall also have the power of removing or suspending any constable for neglect of duty or other misconduct.

8—2

No. 8.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to organize the Municipality of
Neebing.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:
PRINTED C. BLACKETT ROBINSON.

An Act to organize the Municipality of Neebing.

WHEREAS John McKellar, Peter McKellar, Edward Ingalls, P. L. Knappin, Neil McDougall, J. N. Black, Daniel McKellar, and P. J. Brown, being householders and freeholders of the municipality of Shuniah, have, by their petition, represented
 5 that it is desirable that certain portions of the said municipality should be withdrawn therefrom and formed into a new municipality, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following townships, islands, and other lands in the district of Thunder Bay, namely: the townships of Blake,
 15 Crooks, Pardee, Paipoonge, Neebing, McKellar, and the several islands in front of the said townships, respectively, *and forming parts thereof*, are hereby withdrawn from the municipality of Shuniah and organized as a separate municipality, called "The Municipality of Neebing," and the inhabitants thereof
 20 are hereby constituted a body corporate under the name of "The Corporation of the Municipality of Neebing."

Limits of municipality of Neebing.

Corporate name.

2. The said corporation shall have and possess all the rights, powers, liabilities and incidents of a township municipality, and the council thereof shall have power to pass by-laws for
 25 such purposes as are provided for townships under "The Municipal Act," and the provisions of the said Act, and of "The Assessment Act" relating to township municipalities and their officers shall apply to the municipality erected under this Act, except where inconsistent with any express provision of this
 30 Act; and the provisions of the law at any time in force respecting public schools in municipalities without county organization shall also apply to the said municipality, and all the provisions of law now applying to the municipality of Shuniah and not inconsistent with this Act, shall also apply to the
 35 said municipality of Neebing.

Corporation to have rights of township municipalities.

3. The sections of the Municipal Act, from fifty to sixty inclusive, relating to matters consequent upon the formation of new corporations, except as hereinafter provided, shall apply to the municipality of Neebing, and nothing contained in this
 40 Act shall free the townships or wards comprising the municipality of Neebing from any liability now existing against the municipality of Shuniah, and the creditors of the said municipality of Shuniah shall continue to have all the rights

Municipality of Neebing liable for all claims existing against municipality of Shuniah.

and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah. 

Taxes to which municipality of Neebing entitled.

 4. The said municipality of Neebing shall be entitled to 5 ninety per cent. of all taxes levied in any of the wards forming said municipality of Neebing previous to the passing of this Act, and the said municipality of Neebing shall have full power and authority to collect the same or any part thereof uncollected at the time of the coming into force of this Act.  10

Wards.

5. Every township, with the islands in front thereof, *within the distance of one mile*, shall be considered, and is hereby declared to be, a ward of the said new municipality; *except that* the islands numbered one and two at the mouth of the Kaministiquia River, together with Georgina Islet in front, 15 shall be attached to the township of McKellar, and constitute the McKellar Ward.

First election.

6. The nominations for the first election shall be held at Fort William, and the polling shall take place at such *times and at such places* within the *municipality* as the stipendiary magistrate of the district of Thunder Bay shall, by his proclamation, appoint. The polling day shall not be less than 20 two weeks nor more than six weeks from the day of nomination.

Returning officers.

7. Such persons shall act as returning officers in the various 25 wards as the said stipendiary magistrate may in writing appoint.

First meeting of council.

8. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

Appointment and remuneration of clerk, treasurer, and collector.

9. The said council shall, at their first meeting, or as early 30 as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment of assessor.

10. The said council shall, as early as convenient after their 35 first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, at the same time 40 entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by *mailing* the same at the nearest post office, *to the address of the person so assessed, if known*, 45 stating in such notice the particulars of said assessment.

Roll to be returned to clerk.

11. The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.

Appeal against assessment.

12. Any person so assessed, if he shall complain of his 5 assessment, shall within one month after the time fixed for

returning said roll, notify in writing the clerk, of his grounds of complaint.

13. The said council shall *thereafter* appoint a time and place, *which time shall be on some day during the months of June, July, August or September*, for the Court of Revision to hear said complaints, and such court shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly.

Council to hear and determine appeal.

14. An appeal may be had from the decision of the Court of Revision to the stipendiary magistrate, in the same manner as to the county judge in other municipalities, and the decision of the stipendiary magistrate shall be final.

Appeal from court of revision.

15. Notices of appeal shall in all cases of appeal to the stipendiary magistrate be left with the clerk of the municipality.

Notice of appeal.

16. The stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals, as are performed by the county judge in other municipalities in like cases.

Powers of stipendiary magistrate as to appeals.

17. The said roll so finally revised shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.

Revised roll to be the roll of the municipality.

18. The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years: Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

Council to fix time for making assessment.

19. The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the Municipal Act.

Collector's return and powers.

20. The council shall, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality; and also such further sums as may be required for public school purposes, *and for the proportions of the debts of the municipality of Shuniah for which the townships hereby incorporated as the municipality of Neebing, are now liable.*

Council to levy rates.

21. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: Provided always, that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct.

Council may establish a lock-up house.

Appointment of a constable thereto.

22. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to

Appointment and removal of constables.

enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario; and the said council shall have the power from time to time to remove the constables for any misconduct in their office, and shall also regulate the fees to be paid said constables: Provided always 5 that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district; and the stipendiary magistrate shall also have the power of removing or suspending any constable for neglect of duty or other misconduct.

10

No. 8.

 2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to organize the Municipality of
Neebing.

*(Reprinted as amended in Committee of
Whole House.)*

First Reading, 27th January, 1881.
Second Reading, 9th February, 1881.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:

PRINTED BY G. BLACKETT ROBINSON

An Act respecting the Canada Mortgage Agency,
(Limited).

WHEREAS the Canada Mortgage Agency (Limited), the Colonial Trusts Corporation (Limited), and Charles Fitch Kemp, the liquidator of the said Colonial Trusts Corporation (Limited), have, by their petition, represented, that the
5 Canada Mortgage Agency (Limited) was duly incorporated on the first day of March, one thousand eight hundred and eighty, under the provisions of the Imperial Joint Stock Companies' Acts, 1862 and 1867, and that some of the objects for which the said Company was established were to take over the mort-
10 gage business in the Province of Ontario of the Colonial Trusts Corporation (Limited), and to undertake the collection and guarantee of the moneys secured by certain mortgages belonging to the said corporation and its investors; and also the lending and investment of moneys of the company or as agents of
15 other persons investing moneys through the agency of the company on the security of first mortgages of freehold property in Canada; and the said company hath been and is engaged in carrying on such business in the Province of Ontario, and that the mortgages and securities for money invested upon real
20 estate in the Province of Ontario by the Colonial Trusts Corporation (Limited) were taken and held in the name of the Colonial Trusts Corporation (Limited), whether the moneys secured thereby were the property of investors through the said corporation, or the proper moneys of the said corporation
25 itself, and that on the eighteenth day of October, one thousand eight hundred and seventy-eight, the said corporation went into voluntary liquidation under "The Imperial Winding-Up Acts," and Charles Fitch Kemp became the sole liquidator, and in the proceedings in the said liquidation before the Master of the
30 Rolls, in the Chancery Division of the High Court of Justice, in England, it has been ascertained which of the said mortgages belong to the investors and which to the said corporation, and thereupon an agreement was made on the twelfth day of March, one thousand eight hundred and eighty, between
35 the Colonial Trusts Corporation (Limited), of the first part, the said Charles Fitch Kemp, as liquidator, of the second part, the Canada Mortgage Agency (Limited), of the third part, and Charles William Middleton Kemp, as trustee for the several persons (other than the said corporation) entitled to
40 any of the mortgages so effected as aforesaid and held in the name of the said corporation, of the fourth part, by which, upon the terms and conditions in the said agreement mentioned, all of the said mortgages held in the name of the Colonial Trusts Corporation (Limited), and not theretofore assigned,
45 released, or discharged, were in certain events to be transferred

to and become vested in the Canada Mortgage Agency (Limited), and the said agreement was on the twenty-third day of March, one thousand eight hundred and eighty, confirmed by the order of the Master of the Rolls, and that from the large number of the said mortgage securities and other difficulties in the proof of execution and for registrations of the aforesaid transfer to the Canada Mortgage Agency (Limited) of the said mortgages, and the consequent delay and expense in the releasing and discharging of such mortgages to the mortgagor when the moneys secured thereby may have been fully paid, it is desirable that the said mortgages may be vested in the Canada Mortgage Agency (Limited), and it is expedient to comply with such petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment
of attorneys or
trustees au-
thorized.

1. The Canada Mortgage Agency (Limited), may by any instrument under its corporate seal from time to time appoint one or more attorney or attorneys, trustee or trustees in this Province, by whom such company may execute such deeds, conveyances, leases, discharges of mortgage, and other instruments of any kind as may be necessary in carrying on the objects of such company within this Province.

Official seal.

2. Such company may commit to the custody of such attorney or attorneys, trustee or trustees for the time being, an official seal for the purpose of executing in this Province, such deeds and instruments as aforesaid, and such seal from time to time, may withdraw alter or renew, and such seal shall be deemed and taken to be the corporate seal of such Company for the execution of instruments within this Province, and every deed, conveyance, lease, discharge of mortgage or other written instrument of any kind purporting to be under the corporate seal of the said company, or under the aforesaid official seal, entrusted to such attorney or attorneys, trustee or trustees shall be receivable in evidence as *prima facie* proof in any court of law or equity in any legal or equitable proceeding of a Civil nature in this Province, and also for the purposes of "the Registry Act," that such deed, conveyance, lease, discharge of mortgage, or other written instrument has been duly executed by such company, without any further proof of the said corporate or official seal, or of either of them, or of the appointment, official character or signature of the person or persons purporting to have affixed such seal or seals, or to have acted as such attorney or attorneys, trustee or trustees.

Registration of
instruments.

3. Any deed, conveyance, lease, discharge of mortgage, or other instrument purporting to be under the corporate seal of such company or under the official seal of such company now or hereafter to be used by the attorney or attorneys, trustee or trustees of such company in this Province, under the foregoing provisions of this Act, shall be considered as duly executed by such company or their said attorney or attorneys, trustee or trustees as the case may be for registration purposes, upon being produced to the proper registrar in that behalf without any further proof or verification: Provided the same is otherwise in accordance with the Registry Act, and such Registrar shall register the same without any further proof of such corporate or official seal or other proof whatever.

Proviso.

4. A certified copy of the memorandum and articles of association of the Canada Mortgage Agency (Limited), filed in the office of the Provincial Secretary, under the provisions of chapter one hundred and sixty-three of the Revised Statutes, by the Provincial Secretary, under his hand and purporting to be a true copy of the memorandum and articles of association so filed in his office, shall be *prima facie* evidence of the incorporation of the Canada Mortgage Agency (Limited), and of all the particulars contained in such memorandum and articles of association respectively, in any court of law, or equity, or in any judicial proceeding, or before any court or tribunal in this Province in any civil matter or cause.

Copy of articles of Association certified by Provincial Secretary to be evidence of incorporation.

5. All lands, mortgages, securities, leases, bonds or other instruments, vested in or held by or for The Colonial Trusts Corporation (Limited), as in the recitals to this Act mentioned, shall hereafter be deemed and taken to be vested in the Canada Mortgage Agency (Limited), by whom the same may be sold, assigned, conveyed, collected, released or discharged under the provisions of this Act, and all releases or discharges (if any), of the said mortgages or securities executed by the attorney or attorneys, trustee, or trustees of such company shall be valid and effectual for revesting in and conveying the title in the mortgaged lands to the mortgagor his heirs or assigns.

Lands and securities of Colonial Trusts Corporation vested in Canada Mortgage Agency.

No. 9.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Canada Mortgage
Agency, (Limited).

First Reading,
, 1881.

(*PRIVATE BILL.*)

Mr. McKim.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Canada Mortgage Agency,
(Limited).

WHEREAS the Canada Mortgage Agency (Limited), the Preamble.
Colonial Trusts Corporation (Limited), and Charles
Fitch Kemp, the liquidator of the said Colonial Trusts Cor-
poration (Limited), have, by their petition represented that the
5 Canada Mortgage Agency (Limited) was duly incorporated on
the first day of March, one thousand eight hundred and eighty,
under the provisions of the Imperial Joint Stock Companies'
Acts, 1862 and 1867, and that some of the objects for which
the said Company was established were to take over the mort-
10 gage business in the Province of Ontario of the Colonial Trusts
Corporation (Limited), and to undertake the collection and
guarantee of the moneys secured by certain mortgages belong-
ing to the said corporation and its investors; and also the lend-
ing and investment of moneys of the company or as agents of
15 other persons investing moneys through the agency of the
company on the security of first mortgages of freehold property
in Canada; and the said company hath been and is engaged in
carrying on such business in the Province of Ontario, and that
the mortgages and securities for money invested upon real
20 estate in the Province of Ontario by the Colonial Trusts Cor-
poration (Limited) were taken and held in the name of the
Colonial Trusts Corporation (Limited), whether the moneys
secured thereby were the property of investors through the
said corporation, or the proper moneys of the said corporation
25 itself, and that on the eighteenth day of October, one thousand
eight hundred and seventy-eight, the said corporation went
into voluntary liquidation under "The Imperial Winding-Up
Acts," and Charles Fitch Kemp became the sole liquidator, and
in the proceedings in the said liquidation before the Master of the
30 Rolls, in the Chancery Division of the High Court of Justice,
in England, it has been ascertained which of the said mort-
gages belong to the investors and which to the said corpora-
tion, and thereupon an agreement was made on the twelfth
day of March, one thousand eight hundred and eighty, between
35 the Colonial Trusts Corporation (Limited), of the first part,
the said Charles Fitch Kemp, as liquidator, of the second
part, the Canada Mortgage Agency (Limited), of the third part,
and Charles William Middleton Kemp, as trustee for the
several persons (other than the said corporation) entitled to
40 any of the mortgages so effected as aforesaid and held in the
name of the said corporation, of the fourth part, by which,
upon the terms and conditions in the said agreement men-
tioned, all of the said mortgages held in the name of the Colo-
nial Trusts Corporation (Limited), and not theretofore assigned,
45 released, or discharged, were in certain events to be transferred
to and become vested in the Canada Mortgage Agency
(Limited), and the said agreement was on the twenty-third
day of March, one thousand eight hundred and eighty, con-

firmed by the order of the Master of the Rolls, and it is expedient to comply with such petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

5

Appointment
of attorneys or
trustees au-
thorized.

1. The Canada Mortgage Agency (Limited), may by any instrument under its corporate seal from time to time appoint one or more attorney or attorneys, trustee or trustees in this Province, by whom such company may execute such deeds, conveyances, leases, discharges of mortgage, and other instru- 10
ments of any kind as may be necessary in carrying on the objects of such company within this Province.

Official seal.

2. Such company may commit to the custody of such attorney or attorneys, trustee or trustees for the time being, an official seal for the purpose of executing in this Province, such 15
deeds and instruments as aforesaid, and such seal from time to time, may withdraw, alter, or renew, and such seal shall be deemed and taken to be the corporate seal of such Company for the execution of instruments within this Province, and every deed, conveyance, lease, discharge of mortgage, or other 20
written instrument of any kind purporting to be under the corporate seal of the said company, or under the aforesaid official seal, entrusted to such attorney or attorneys, trustee or trustees shall be receivable in evidence as *prima facie* proof 25
in any court of law or equity in any legal or equitable proceeding of a Civil nature in this Province, and also for the purposes of "the Registry Act," that such deed, conveyance, lease, discharge of mortgage, or other written instrument has been duly executed by such company, without any further proof of the said corporate or official seal, or of either of them, or of 30
the appointment, official character, or signature of the person or persons purporting to have affixed such seal or seals, or to have acted as such attorney or attorneys, trustee or trustees.

Registration of
instruments.

3. Any deed, conveyance, lease, discharge of mortgage, or other instrument purporting to be under the corporate seal of 35
such company or under the official seal of such company now or hereafter to be used by the attorney or attorneys, trustee or trustees of such company in this Province, under the foregoing provisions of this Act, shall be considered as duly executed by such company or their said attorney or attorneys, trustee or trustees as the case may be for registration purposes, 40
upon being produced to the proper registrar in that behalf without any further proof or verification: Provided the same is otherwise in accordance with the Registry Act, and such Registrar shall register the same without any further proof of 45
such corporate or official seal or other proof whatever.

Proviso.

Copy of
articles of Association
certified by Provincial
Secretary to be
evidence of
incorporation.

4. A certified copy of the memorandum and articles of association of the Canada Mortgage Agency (Limited), filed in the office of the Provincial Secretary, under the provisions of chapter one hundred and sixty-three of the Revised Statutes, by the 50
Provincial Secretary, under his hand and purporting to be a true copy of the memorandum and articles of association so filed in his office, shall be *prima facie* evidence of the incorporation of the Canada Mortgage Agency (Limited), and of all the particulars contained in such memorandum and articles of 55
association respectively, in any court of law, or equity, or in any judicial proceeding, or before any court or tribunal in this Province in any civil matter or cause.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Canada Mortgage
Agency, (Limited).

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. McKIM.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to Consolidate the Debt of the Town of Windsor.

WHEREAS the Corporation of the Town of Windsor, by Preamble.
their petition, have represented that they have incurred
debts and liabilities for the construction of water-works to the
amount of one hundred and seventy-seven thousand dollars,
5 and for other purposes to the amount of one hundred and
eight thousand dollars, both sums being secured by the debentures of the corporation, and they have also incurred other
liabilities to the amount of thirty thousand dollars; that the
redemption of the debentures representing the said debt has
10 been so irregularly arranged as to become at times oppressive
to the ratepayers, and have therefore prayed that the said
debt may be consolidated, and that they may be authorized to
issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition, and in order to
15 provide against any loss on the said consolidation, it is expedient to enable the said corporation to issue such debentures for
a sum not exceeding two hundred and seventy thousand dollars;
Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, en-
20 acts as follows:—

1. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the corporation, for the time being, for such
sums not exceeding two hundred and seventy thousand dollars
25 in the whole as the municipal council of the said town may
direct, and the principal sum secured by the said debentures
and the interest accruing thereon may be made payable either
in this Province, in Great Britain, or elsewhere, as the municipal council may deem expedient.

30 2. The said corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of
money not exceeding in the whole two hundred and seventy
35 thousand dollars of lawful money of Canada.

3. The mayor and treasurer of the corporation shall, on receiving instructions so to do, from the municipal council from time to time with the consent of the holders, call in any of the
outstanding liabilities specially provided for by this Act and
40 shall discharge the same with the funds raised under this Act, or may substitute these for the said debentures, or any of them

authorized to be issued by this Act as may be agreed upon between the corporation and the creditors of or claimants upon the corporation.

Application of
proceeds of
debentures.

4. The funds derived from the negotiation of the said debentures shall be applied by the municipal council to the payment of the outstanding liabilities, and to, and for no other purpose whatever. 5

Debt repay-
able by annual
instalments.

5. The said debt shall be repayable by annual instalments during the currency of the period within which it is to be discharged, such instalments to be allocated so that as nearly as may be an equal annual special rate to pay principal and interest will require to be levied by the municipal council in each and every year over and above all other rates during the currency of the period aforesaid. 10

Term of de-
bentures and
rate of interest.

6. The debentures to be signed as aforesaid shall be payable in not more than seventy-five years from the date thereof, as the said municipal council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said municipal council shall determine, shall be payable half-yearly according to the coupons attached thereto. 15 20

Debentures
not vitiated by
irregularities.

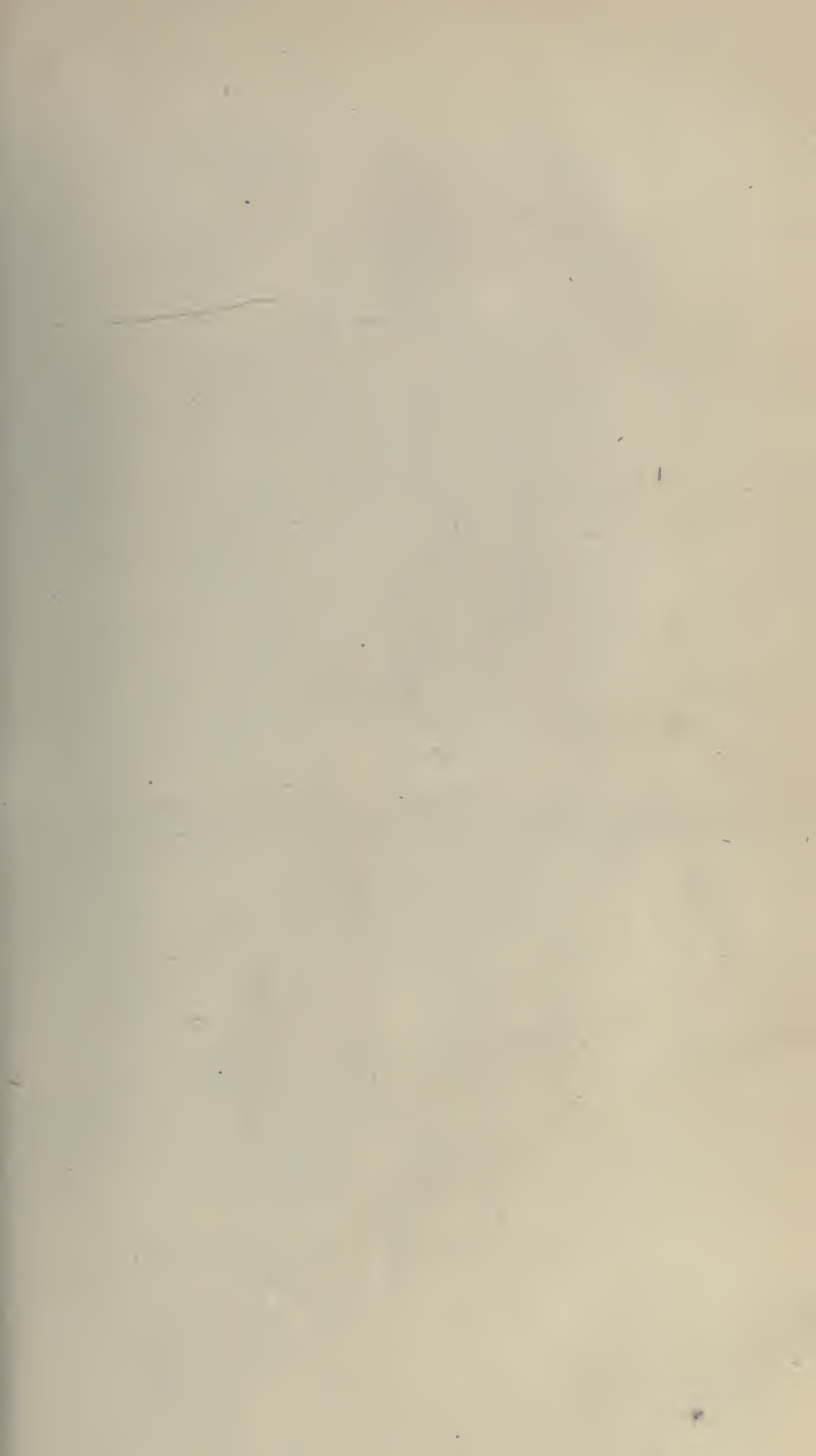
7. No irregularity in the form, either of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 25

Assent of
electors to by-
laws not
required.

8. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act." 30

Debentures to
be payable in
sterling or
currency.

9. The said debentures and coupons may be made payable either in sterling money or currency, as the municipal council shall direct.



No. 10.

2nd Session, 4th Legislature, 44 Vic, 1881

BILL.

An Act to Consolidate the Debt of the
Town of Windsor.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. WHITE.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to Consolidate the Debt of the Town of Windsor.

WHEREAS the Corporation of the Town of Windsor, by their petition, have represented that they have incurred debts and liabilities for the construction of water-works to the amount of one hundred and twenty-seven thousand dollars, and for other purposes to the amount of one hundred and eight thousand dollars, both sums being secured by the debentures of the corporation, and they have also incurred other liabilities to the amount of thirty thousand dollars; that the redemption of the debentures representing the said debt has been so irregularly arranged as to become at times oppressive to the ratepayers, and have therefore prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition, and in order to provide against any loss on the said consolidation, it is expedient to enable the said corporation to issue such debentures for a sum not exceeding two hundred and seventy thousand dollars; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Windsor are hereby consolidated at the sum of two hundred and seventy thousand dollars, and it shall and may be lawful to and for the said corporation of the town of Windsor to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding two hundred and seventy thousand dollars of the lawful money of Canada.

Debts consolidated at the sum of \$270,000.

Power to borrow.

2. It shall and may be lawful for the said corporation of the town of Windsor, to pass a by-law or by-laws, authorizing the said loan of two hundred and seventy thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due payment of the principal when the same shall fall due, of the said debentures last mentioned.

Authority to pass by-law for new debentures.

Assent of
electors to by-
laws not
required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act."

Debentures
may be issued
to the amount
of \$270,000.

4. It shall and may be lawful for the municipal council of the said corporation of the town of Windsor after the passing of such by-law or by-laws, authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the warden and countersigned by the treasurer and clerk of the said town, for the time being, for such sums not exceeding in the whole the said sum of two hundred and seventy thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly.

Debentures,
when and how
payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon, may be made payable, either in this Province, in Great Britain or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year, for thirty years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of
proceeds.

6. The funds derived from the negotiation and sale of the said debentures, shall be applied in and to the payment of the said debts of two hundred and seventy thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the town of Windsor or elsewhere in this Province, or invested in government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council, and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or any part thereof, and not otherwise.

Outstanding
debentures
may be called
in.

7. The treasurer of the said county shall, on receiving instructions from the said council, so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent substitute therefor, the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

By-law not to
be repealed un-
til debt
satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, au-

thorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

9. The said municipal council shall, and it shall be the duty
 5 of the treasurer of the said county for the time being, to invest Investment of sinking fund.
 from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the
 10 said debentures, to be issued in pursuance of this Act for the then current year, in either the bank or government securities mentioned in the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn
 15 therefrom as the same may be required from time to time for the payment and redemption of the said last-mentioned debentures, or the said outstanding debentures and other liabilities, or any part thereof, and to apply the residue of such moneys from time to time, to the payment of the interest on the said
 20 debentures, and not otherwise, nor for any other purpose whatever. Payment of interest.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall
 25 not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or
 30 be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, on any or either of them or any part thereof. Inconsistent provisions of Municipal Acts not to apply. Irregularity not to render by-law or debentures invalid.

11. Nothing in this Act contained, shall be held or taken to discharge the corporation of the town of Windsor from any indebtedness or liability which may not be included in the said
 35 debt of two hundred and seventy thousand dollars. Liability of corporation not discharged

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to Consolidate the Debt of the
Town of Windsor.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. WHITE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to provide for the sale of the Rectory House and Lands belonging to St. John's Church, in the Township of London.

WHEREAS the rector and churchwardens of St. John's Church, in the township of London, have, by their petition, prayed for the passing of an Act to give permission to the said rector and churchwardens of St. John's Church, 5 in the township of London, to sell the rectory house and site belonging to the said church, the same being part of rectory lot number fifteen, in the third concession of the said township of London, and to apply the proceeds derived from such sale in and towards building a new rectory house, on a site of about 10 two acres to be purchased or procured by the vestry of the said church for that purpose, in or near the village of St. John's, in the said township of London; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The rector and churchwardens of St. John's Church, in the township of London, shall have full power and authority to sell and absolutely dispose of the following lands and pre- 20 mises, namely:—That part of rectory lot number fifteen, in the third concession of the township of London, which is marked "Reserve," in the survey made by B. Springer, Esquire, Provincial Land Surveyor, of that part of the said lot number fifteen, known as block "A," being composed of two-and-a-half 25 acres of land more or less, which may be better known and described as follows:—Commencing at a point in the north-easterly boundary of the Proof Line Road, at the distance of five chains, ninety-one and a half links from the intersection of the said road, and the road allowance between the second 30 and third concessions, and known as Huron street; thence north-westerly along the said boundary four chains; thence north-easterly at right angles to the Proof Line Road six chains, eighty-four links, more or less, to the south-westerly boundary of Brough street; thence south-easterly along the 35 said boundary four chains, eleven and two-fifths links; thence south-westerly at right angles to the Proof Line Road, five chains, fifty-eight links, more or less, to the place of beginning; and any deed executed by said rector and churchwardens shall vest in the purchaser a full, clear, and absolute title to the said 40 lands, subject only to any leases thereof, or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereof to secure all or any of the purchase money thereof.

Sale of certain lands authorized.

Application of
proceeds of
sale.

2. The proceeds of such sale or sales of the said lands as the same may be from time to time paid, or as the same may come in, shall be by the said rector and churchwardens invested in the purchase or building of a rectory house on a site of about two acres, to be purchased or procured by the vestry of the said church for that purpose, in or near the village of St. John's in the said township of London. 5

No. 11.
2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to provide for the sale of the Rectory House and Lands belonging to St. John's Church, in the Township of London.

First Reading,
, 1881.

(*PRIVATE BILL.*)

MR. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to provide for the sale of the Rectory House and Lands belonging to St. John's Church, in the Township of London.

WHEREAS the rector and churchwardens of St. John's Church, in the township of London, have, by their petition, prayed for the passing of an Act to give permission to

Preamble.

the said the rector and churchwardens of St. John's Church, in the township of London, to sell the rectory house and site belonging to the said church, the same being part of lot number fifteen, in the third concession of the said township of London, and to apply the proceeds derived from such sale in and towards building a new rectory house, on a site of about two acres to be purchased or procured by the vestry of the said church for that purpose, in or near the village of St. John's, in the said township of London; and whereas the present situation of the said rectory house is not as convenient as it would be if it were changed to the proposed new site; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The rector and churchwardens of St. John's Church, in the township of London, shall have full power and authority to sell and absolutely dispose of the following lands and premises, namely:—That part of lot number fifteen, in the third concession of the township of London, which is marked "Reserve," in the survey made by B. Springer, Esquire, Provincial Land Surveyor, of that part of the said lot number fifteen, known as block "A," being composed of two-and-a-half acres of land more or less, which may be better known and described as follows:—Commencing at a point in the north-easterly boundary of the Proof Line Road, at the distance of five chains, ninety-one and a half links from the intersection of the said road, and the road allowance between the second and third concessions, and known as Huron street; thence north-westerly along the said boundary four chains; thence north-easterly at right angles to the Proof Line Road six chains, eighty-four links, more or less, to the south-westerly boundary of Brough street; thence south-easterly along the said boundary four chains, eleven and two-fifths links; thence south-westerly at right angles to the Proof Line Road, five chains, fifty-eight links, more or less, to the place of beginning; and any deed executed by said rector and churchwardens shall vest in the purchaser a full, clear, and absolute title to the said lands, subject only to any leases thereof, or rights granted therein, or *incumbrances or liens created thereupon*, by competent authority prior to such sale, and also to any mortgage that may be executed thereof to secure all or any of the purchase money thereof.

Sale of certain lands authorized.

Application of
proceeds of
sale.

2. The proceeds of such sale or sales of the said lands as the same may be from time to time paid, or as the same may come in, shall be by the said rector and churchwardens invested in the purchase or building of a rectory house on a site of about two acres, to be purchased or procured by the vestry of the said church for that purpose, in or near the village of St. John's in the said township of London. 5

No. 11.

2nd Session, 4th Legislature, 44 Vic, 1881

BILL.

An Act to provide for the sale of the Rectory House and Lands belonging to St. John's Church, in the Township of London.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO :

PRINTED BY G. BLACKETT ROBINSON,

An Act to incorporate the St. Catharines and Niagara
Central Railway Company.

WHEREAS the persons hereinafter named and others have, Preamble.
by their petition, prayed to be incorporated as a company,
for constructing, equipping, and operating a railway from a point
in the city of St. Catharines, to some point at or near the
5 village of Bismarck, thence to a point at or near the village of
Smithville, both in the county of Lincoln, thence to a point in
or near the village of Caledonia, or a point at or near the Can-
field station of the Grand Trunk Railway, both in the county
of Haldimand, and a branch from a suitable point in the town-
10 ship of Caistor to intersect the Hamilton and North-Western
Railway near the city of Hamilton, and a branch or the main
line of the said railway to the village of Queenston, in the
county of Lincoln, or other point on the Niagara River, with
power to build in sections; and whereas it is expedient to grant
15 the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. William Hoover, T. Healey, Nelson Haight, George C. Incorporation.
20 Carlisle, John R. Monro, James C. Harris, Thomas Shaw, James
Norris, Ch. Steinberg, Frank McGuire, George N. Oille,
James M. Swayze, Bernard King, Andrew Wallace, R. Fitz-
gerald, J. Rollison, William B. Towers, James Mitchell, Lucius
S. Oille, Thomas H. Towers, Theophilus Mack, D. W. Bixby,
25 W. W. Greenwood, Richard Peterson, R. H. Smith, Thomas C.
Dawson, Patrick Larkin, Richard Wood, Henry A. King,
Samuel Montgomery, George P. M. Ball, E. Viger, James Mur-
ray, Alva McCollum, William Andrews, William A. Mittle-
berger, L. H. Collard, J. C. Rykert, Edward McArdle, and F.
30 W. Macdonald, together with such other persons and corpora-
tions as shall become shareholders in the company hereby in-
corporated, shall be and are hereby constituted a body corporate
and politic, by the name of the "St. Catharines and Niagara
Central Railway Company."

35 2. The said company shall have full power under this Act Location of
to construct, equip, and operate a railway from a point in the line.
city of St. Catharines to a point at or near the village of Bis-
marck, thence to a point at or near the village of Smithville,
both in the county of Lincoln, thence to a point in or near the
40 village of Caledonia, or a point at or near the Canfield station
of the Grand Trunk Railway, both in the county of Haldimand,
and a branch from a convenient point in the township of Caistor,
to intersect the Hamilton and North-Western Railway near the

city of Hamilton, and a branch or the main line from the city of St. Catharines to the village of Queenston, in the county of Lincoln, or other convenient point on the Niagara River, with full power to pass over any portion of the country between the several terminal points indicated and to carry the said railway 5 through any of the Crown lands (if any) lying between or at any of the said terminal points mentioned, and the said company shall have full power to cross and connect with existing lines of railway, and to build the railway in sections as shall be deemed advisable. 10

Gauge. 3. The said railway shall be of steel, and of a gauge not less than four feet eight and one-half inches.

Provisional directors. 4. James Norris, Roswell H. Smith, Richard Wood, Patrick Larkin, George P. M. Ball, Lucius S. Oille, and William Hoover, with power to add to their number, shall be and are hereby 15 constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers. 5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock 20 for the undertaking, to make calls upon the subscribers, and collect the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grant, loan, bonus, or gift, made to or in aid of the undertaking, and to 25 enter into any agreement respecting the conditions or disposition of any gift, or bonus, in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors, and the said directors, or the board of directors to be elected as hereinafter mentioned, may in their discretion ex- 30 clude any one from subscribing for stock, who in their judgment would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion, or more than the whole stock shall have been subscribed the said provisional 35 directors (or board of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if 40 in their judgment such exclusion shall best conduce to the building of the said railway.

Capital. 6. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same, in the manner provided by the Railway Act, to be di- 45 vided into six thousand shares, of fifty dollars each, and shall be raised by the persons and corporations, who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the sur- 50 veys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing of the right of way, to the making, equipment, completion and working of the said railway and the purposes of this Act, and until such preliminary expenses shall be 55

paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

7. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-after described, which said directors, together with the ex-officio directors, under the Municipal Act or this Act, shall constitute a board of directors. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

First election
of directors.

8. In case the provincial directors neglect to call such meeting for the space of three months, after such amount of the capital stock, shall have been subscribed, and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than six thousand dollars of the capital stock, and who have paid up all calls thereon. Notice of such general meeting shall be given in the manner prescribed in the next preceding section.

Provision in
case provision-
al directors
neglect to call
meeting.

9. The principal office of the said company shall be in the city of St. Catharines, and in the said city all general meetings of the company shall be held.

Head office.

10. In the election of directors under this Act no person shall be elected unless he shall be the owner and holder of at least twelve shares of the stock of the said company, upon which all calls have been paid up.

Qualification
of directors.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in the city of St. Catharines, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper in the county of Lincoln, and in each of the counties from which a bonus has been received.

Annual meet-
ings.

Special general meetings.

12. Special general meetings of the shareholders of the said company may be held at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

5

Aliens.

13. Aliens and companies incorporated abroad as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote, on their shares, equally with British subjects, and shall also be eligible to office as 10 directors of the said company,

Quorum.

14. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

15

Calls.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided in section seven, said 20 calls not to be made at closer intervals than three months.

Payment of stock in full allowed.

16. It shall be lawful for the provisional or elected directors, to accept payment in full for stock, from any subscriber thereof, at the time of subscription thereof or at any time before making any final call thereon, and to allow such per- 25 centage or discount thereon, as they may deem expedient and reasonable, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed.

Aid to company.

17. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, 30 who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

35

Payments in bonds or stock authorized in certain cases.

18. The said provisional directors or the elected directors, may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to 40 the sanction of a vote of the shareholders, for the services of the promoters, or other persons, who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters 45 or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Aid from municipalities.

19. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near 50 which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or

debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions, hereinafter contained: Provided always, that such aid shall not be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts. Proviso.

20. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders, in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty-five freeholders, being duly qualified voters under the Municipal Act as aforesaid;

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of twenty freeholders in such section of the municipality, being duly qualified voters as aforesaid.

21. In the case of two or more minor municipalities, or sections of two or more such municipalities, with a section or sections, of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any sections by metes and bounds, or by lots and concessions, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty freeholders in each of the said minor municipalities, or sections proposed to be grouped being duly qualified voters as aforesaid. Requisites of petition for grouping minor municipalities.

22. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only, as shall consist of two or more minor municipalities, or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous, but no minor municipality or section thereof, which is subject to a county or other by-law, in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon such proposed by-law. Petition by portion of a county municipality.

23. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for the payment of the debentures issued thereunder and the interest thereon Provisions where portion of a county is grouped.

shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate not exceeding three cents in the dollar valid.

24. All municipalities or portions thereof interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 5 10

By-law, what to contain.

25. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law. (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 15 20 25

"Minor municipality," meaning of.

26. The term "minor municipality" shall be construed to mean, any town not separated from the municipal county, township or incorporated village situate in the county municipality. 30

If by-law carried, council to pass same;

27. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same. 35

And issue debentures.

28. Within one month after the passing of such a by-law, the said council and the mayor, warden, reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 40

Exemption from taxation.

29. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years. 45 50

30. It shall and may be lawful for the council of any municipality, that may grant or that may have granted a bonus to the company (and they shall have full power), to extend the time for the completion of the works, on the completion of 5 which the said company would be entitled to such bonus. Extension of time for completion.

31. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting 10 such aid from time to time: Provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

32. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six 15 weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of 20 Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee, within one month after notice in writing to 25 him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed, and a new trustee appointed in his place, at any time by the Lieutenant-Governor in Council, and in case any trustee dies or 30 resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures.

33. The said trustees shall receive the said debentures or 35 bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law, in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the amount realized from the sale in some chartered bank having an office in the 40 Province of Ontario, in the name of "The St. Catharines and Niagara Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto on the certificate of the chief engineer of the said railway for the time being in 45 the form set out in the Schedule A hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrong- 50 fully grant any such certificate under a penalty of four hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of debentures.

34. The trustees shall be entitled to their reasonable fees 55 and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

Power to receive grants of land and dispose of same.

35. The corporation of any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company, and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Issue of bonds.

36. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company and countersigned by the treasurer or secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid : Provided, however, that the whole amount of such issue of bonds shall not exceed ten thousand dollars per mile of the said railway ; Provided further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders ; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Bonds, etc., may be made payable to bearer.

37. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively may be made payable to bearer, and transferable by delivery, and any holder, or of any such securities so made payable to bearer may sue at law thereon in his own name.

Promissory notes, etc.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company and countersigned by the treasurer or secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until

the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or treasurer or secretary be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as herein provided and enacted: *Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to circulate as money or as the note or bills of a bank.* Proviso.

39. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule B, hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry law of Ontario, and no Registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. Form of conveyance.

40. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway, or any part thereof, the company may acquire and hold land, in addition to the roadway, from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required, and in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof may cause a Provincial Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with notice of arbitration, as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple to the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring lands in addition to roadway.

41. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings, and tracks over any lands which may intervene, between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act, and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way, from the rail- Sidings to gravel pits, etc.

way to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section, may at all times be exercised and used in all respects, after the railway is constructed, for the purpose 5 of repairing or maintaining the said railway;

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to acquire more land than required for railway.

42. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, 15 than by purchasing the required part only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient. 20

Agreements with other companies.

43. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, duly authorized in that behalf, for the working of the said railway or any part thereof on such terms and conditions as the directors of the several companies may agree upon, or 25 for leasing or hiring from such other company or companies, duly authorized, their railway or any portion thereof, or for the purchase of the same or any part thereof, or the use thereof, or for the purpose of acquiring running powers over any railway, or for leasing or hiring any locomotives or other 30 moveable property from such company or persons, and generally to make any agreements with any other company so duly authorized, touching the use by one or the other or by both companies of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by 35 one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according 40 to the by-laws of the company and provisions of this Act, and the company or companies entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line; but this section shall not be 45 construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Transfer of shares.

44. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificate issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. 50

Subscriptions for stock not binding, when.

45. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the 55

amount subscribed has been actually paid thereon one month after subscription.

46. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Power to mortgage bonds.

47. Sums paid into the bank in respect of calls upon capital stock, shall not be withdrawn except for the purposes of this Act.

Application of sums paid into the bank for calls.

48. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, nor from making loans of money or credit, pursuant to the Railway Act or the Municipal Act.

Powers of municipalities as to taking stock, etc., not affected.

49. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amounting to not less than ten thousand dollars shall be entitled to appoint a person annually to be a director of the company, and such person shall be a director of the company, in addition to all the other directors authorized by this Act or the general Railway Act, or any other Act, but such municipality shall incur no liability by the appointment of such director.

Municipal directors.

50. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act on their line of railway, the powers conferred upon telegraph companies, by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

51. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not exceeding, for dry wood, three cents per mile per cord from all stations in full car loads, and for green wood three cents per ton per mile. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor or consignee of the said wood shall load and unload the same on or off the cars of the said company, or cause the same to be done, at the expense of the said owner, consignor or consignee, and in case any car is detained more than twenty-four hours after its arrival at its destination without being unloaded by the owner, consignor or consignee, then it shall and may be lawful for the said company to charge demurrage. Cordwood or wood for fuel cut before the first day of March in any year, shall be deemed for the purposes of this Act dry wood by the first day of October following and not before.

Rates for carriage of cordwood.

Proviso.

52. The railway shall be commenced within five years and completed within eight years after the passing of this Act.

Commencement and completion of railway.

53. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through

Plans and books of reference for

construction of which the said railway is to pass, together with the map or
 railway in plan thereof, and of its course and direction, and of the lands
 sections. intended to be passed over and taken therefor, so far as then
 ascertained, and also the book of reference for the railway, and
 to deposit the same as required by the clauses of the Railway 5
 Act of Ontario and amendments thereto with respect to plans
 and surveys, by sections or portions less than the length of
 the whole railway authorized, of such length as the said com-
 pany may from time to time see fit so that no one of such sec- 10
 tions or portions shall be less than eight miles in length, and
 upon such deposit as aforesaid of the map or plan and book of
 reference of any and each of such sections or portions of the
 said railway, all and every of the clauses of the Railway Act,
 and the amendments thereof applied to, included in, or incorpor-
 ated with the Act incorporating the said railway company, and 15
 the amendments thereto or otherwise applicable to the said
 railway company shall apply and extend to any and each of
 such sections or portions of the said railway as fully and effec-
 tually as if the surveys and levels had been taken and made of
 the lands through which the whole of the said railway is to 20
 pass, together with the map or plan of the whole thereof, and of
 the whole course and direction of the lands intended to be passed
 over and taken, and the book of reference for the whole of the
 said railway had been taken, made, examined, certified and
 deposited according to the said clauses of the said Railway Act, 25
 and the amendments thereof, with respect to plans and sur-
 veys.

SCHEDULE A.

Chief Engineer's Certificate.

THE ST. CATHARINES AND NIAGARA CENTRAL RAILWAY COM-
 PANY'S OFFICE.

No. *Engineer's Department,* A.D. 188

Certificate to be attached to cheques drawn on the St.
 Catharines and Niagara Central Railway Company Municipal
 Trust Account, given under section chapter of the Acts
 of the Legislature of Ontario, passed in the year of
 Her Majesty's reign.

I, A.B., Chief Engineer for the St. Catharines and Niagara
 Central Railway Company, do certify that the said company
 has fulfilled the terms and conditions necessary to be fulfilled
 under the by-law, No. of the Township of (or
 under the agreement dated the day of between
 the corporation of and the said company) to entitle the
 said company to receive from the said trust the sum of
 (here set out the terms and conditions, if any, which have been
 fulfilled).

SCHEDULE B.

Know all men by these presents that I (or we)
 in consideration of dollars paid to me (or us) by the

St. Catharines and Niagara Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant, or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said St. Catharines and Niagara Central Railway Company, their successors and assigns (*here insert any other clauses, covenants, or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of A.D. 188 .

Signed, sealed and delivered }
in presence of }

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to incorporate the St. Catharines and
Niagara Central Railway Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. NEELON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the St. Catharines and Niagara
Central Railway Company.

WHEREAS the persons hereinafter named and others have, Preamble.
by their petition, prayed to be incorporated as a company,
for constructing, equipping, and operating a railway from a point
in the city of St. Catharines, to some point at or near the
5 village of Bismarek, thence to a point at or near the village of
Smithville, both in the county of Lincoln, thence to a point in
or near the village of Caledonia, or a point at or near the Can-
field station of the Grand Trunk Railway, both in the county
of Haldimand, and a branch from a suitable point in the town-
10 ship of Caistor to intersect the Hamilton and North-Western
Railway near the city of Hamilton, and a branch or the main
line of the said railway to the village of Queenston, in the
county of Lincoln, or other point on the Niagara River, with
power to build in sections; and whereas it is expedient to grant
15 the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. William Hoover, T. Healey, Nelson Haight, George C Incorporation.
20 Carlisle, John R. Monro, James C. Harris, Thomas Shaw, James
Norris, Charles Steinberg, Frank McGuire, George N. Oille,
James M. Swayze, Bernard King, Andrew Wallace, R. Fitz-
gerald, J. Rollison, William B. Towers, James Mitchell, Lucius
S. Oille, Thomas H. Towers, Theophilus Mack, D. W. Bixby,
25 W. W. Greenwood, Richard Peterson, R. H. Smith, Thomas C.
Dawson, Patrick Larkin, Richard Wood, Henry A. King,
Samuel Montgomery, George P. M. Ball, E. Viger, James Mur-
ray, Alva McCollum, William Andrews, William A. Mittle-
berger, L. H. Collard, J. C. Rykert, Edward McArdle, Robert
30 Murgatroyd, Jacob Strong, Michael Dalton, and F. W. Mac-
donald, together with such other persons and corporations as
shall become shareholders in the company hereby incorporated,
shall be and are hereby constituted a body corporate and politic,
by the name of the "St. Catharines and Niagara Central
35 Railway Company."

2. The said company shall have full power under this Act Location of
line.
to construct, equip, and operate a railway from a point in the
city of St. Catharines to a point at or near the village of Bis-
marek, thence to a point at or near the village of Smithville,
40 both in the county of Lincoln, thence to a point in or near the
village of Caledonia, or ~~to~~ some other point on the Grand River,
or a point at or near the Canfield station on the Grand Trunk
Railway, ~~to~~ in the county of Haldimand, and a branch from a

convenient point, to intersect the Hamilton and North-Western Railway *in or near* the city of Hamilton, and a branch or the main line from the city of St. Catharines to the village of Queenston, in the county of Lincoln, or other convenient point on the Niagara River, with full power to pass over any portion 5 of the country between the several terminal points *hereinbefore* indicated and to *construct the said railway in sections.*

Gauge.

3. The *gauge of the* said railway shall not be less than four feet, eight and one-half inches.

Provisional directors.

4. James Norris, Roswell H. Smith, Richard Wood, Patrick 10 Larkin, George P. M. Ball, Lucius S. Oille, *Robert Murgatroyd, Nelson Haight*, and William Hoover, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under 15 this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers, and collect the same, to cause surveys and plans to be executed, to 20 enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grant, loan, bonus, or gift, made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift, or bonus, in aid of the railway, with all such 25 other powers as under the Railway Act are vested in ordinary directors, and the said directors, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay, or prevent the company from pro- 30 ceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion, or more than the whole stock shall have been subscribed the said provisional directors (or board of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most ad- 35 vantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment such exclusion shall best conduce to the building of the said railway. 40

Capital.

6. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same, in the manner provided by the Railway Act, to be divided into six thousand shares, of fifty dollars each, and shall be raised by the persons and corporations, who may become 45 shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied 50 to the purchasing of the right of way, to the making, equipment, completion and working of the said railway and the purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works, may, by 55

resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

7. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-after described, which said directors, together with the ex-officio directors, under the Municipal Act or this Act, shall constitute a board of directors. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

First election of directors.

8. In case the *provisional* directors neglect to call such meeting for, the space of three months, after such amount of the capital stock, shall have been subscribed, and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than six thousand dollars of the capital stock, and who have paid up all calls thereon. Notice of such general meeting shall be given in the manner prescribed in the next preceding section.

Provision in case provisional directors neglect to call meeting.

9. The principal office of the said company shall be in the city of St. Catharines, and all general meetings of the company shall be held *in the said city*.

Head office.

10. In the election of directors under this Act no person shall be elected unless he shall be the owner and holder of at least twelve shares of the stock of the said company, upon which all calls *due thereon* have been paid.

Qualification of directors.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in the city of St. Catharines, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper in the county of Lincoln, and in each of the counties from which a bonus has been received.

Annual meetings.

12. Special general meetings of the shareholders of the said company may be held at such times and in such manner, and

Special general meetings.

for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Aliens

13. Aliens and companies incorporated abroad as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote, on their shares, equally with British subjects, and shall also be eligible to office as directors of the said company. 5

Quorum.

14. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director. 10

Calls.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided in section seven, said calls not to be made at closer intervals than three months. 15

Payment of stock in full allowed.

16. It shall be lawful for the provisional or elected directors, to accept payment in full for stock, from any subscriber thereof, at the time of subscription thereof or at any time before making any final call thereon, and to allow such percentage or discount thereon, as they may deem expedient and reasonable, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed. 20 25

Aid to company.

17. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 30

Payments in bonds or stock authorized in certain cases.

18. The said provisional directors or the elected directors, may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons, who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 40 45

Aid from municipalities.

19. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal 50

corporation, under and subject to the provisions, hereinafter Proviso. contained: Provided always, that such aid shall not be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the
 5 municipality or portion of municipality (as the case may be),
 in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

20. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Provisions as to bonus by-laws.

- 10 (1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for
 15 and submit the same for the approval of the qualified voters ;
 (2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of *fifty* resident freeholders, in each of the minor municipalities of the county who are qualified voters under the Municipal Act ;
 20 (3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of *fifty resident* freeholders, being duly qualified voters under the Municipal Act as aforesaid ;
 25 (4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of *fifty resident* freeholders in such section of the municipality,
 30 being duly qualified voters as aforesaid.

-  21. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said
 35 by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitra-
 40 tors, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by
 45 excluding any minor municipality or any section thereof therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is con-
 50 firmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order. 

-  22. Before any such by-law is submitted, the railway com- Deposit for expenses.
 55 pany shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. 

Rate not exceeding three cents in the dollar valid.

23. All municipalities or portions thereof interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 5

By-law, what to contain.

24. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 10 15 20 25

"Minor municipality," meaning of.

25. The term "minor municipality" shall be construed to mean, any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried, council to pass same;

26. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same. 30

And issue debentures.

27. Within one month after the passing of such a by-law, the said council and the mayor, warden, reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 35

Exemption from taxation.

28. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or compensation for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years. 40 45

Extension of time for completion.

29. It shall and may be lawful for the council of any municipality, that may grant a bonus to the company (and they shall have full power), to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus. 50

30. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time: Provided that no such extension shall be for a longer period than one year.

Extension of
time for com-
mencement.

31. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee, within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed, and a new trustee appointed in his place, at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of
debentures.

Proviso.

32. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law, in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the *debentures* or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The St. Catharines Niagara Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto *under the conditions of the by-law granting the said bonus* and on the certificate of the chief engineer of the said railway for the time being in the form set out in the Schedule A hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of
debentures.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to
trustees.

34. The corporation of any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality

Power to re-
ceive grants of
land and dis-
pose of same.

which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company, and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Issue of bonds. **35.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president *and* vice-president of the said company and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed ten thousand dollars per mile of the said railway: Provided further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Bonds, etc., may be made payable to bearer. **36.** All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Promissory notes, etc. **37.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for

the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted : Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Proviso.

38. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule B, hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry law of Ontario, and no Registrar shall be entitled to demand more than *seventy-five* cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. Form of conveyance.

39. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway ; and all the provisions of the Railway Act, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid ; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc., for construction of railway.

40. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings, and tracks over any lands which may intervene, between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act, and of *this Act*, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way, from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section, may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway ; Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to acquire more land than required for railway.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the required part only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient, *but the compulsory clauses of the Railway Act shall not apply to this section.*

Agreements with other companies.

42. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, duly authorized in that behalf, for the working of the said railway or any part thereof on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies, duly authorized, their railway or any portion thereof, or for the purchase of the same or any part thereof, or the use thereof, or for the purpose of acquiring running powers over any railway, or for leasing or hiring any locomotives or other moveable property from such company or persons, and generally to make any agreements with any other company so duly authorized, touching the use by one or the other or by both companies of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and provisions of this Act, and the company or companies entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Transfer of shares.

43. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Subscriptions for stock not binding, when.

44. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount subscribed has been actually paid thereon *within* one month after subscription.

45. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Power to mortgage bonds.

5 46. Sums paid into the bank in respect of calls upon capital stock, shall not be withdrawn except for the purposes of this Act.

Application of sums paid into the bank for calls.

10 47. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, nor from making loans of money or credit, pursuant to the Railway Act or the Municipal Act.

Powers of municipalities as to taking stock, etc., not affected.

15 48. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amounting to not less than ten thousand dollars shall be entitled to appoint a person annually to be a director of the company, and such person shall be a director of the company, in addition to all the other directors authorized by this Act or the general Railway Act, or any other Act, but such municipality shall incur no liability by the appointment of such director.

Municipal directors.

20 49. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act on their line of railway, the powers conferred upon telegraph companies, by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

50. The company shall have the power to purchase such land as may be required for the purpose of erecting thereon such warehouses, elevators, docks, stations, workshops, and other buildings as may be found necessary to facilitate the working and running of the said railway, and from time to time to sell and convey such portion or portions of said land as may not be required for the purposes aforesaid; and the company shall also have power to acquire and hold such steam and other vessels as may be required to facilitate the carriage of passengers, freight, and other traffic in connection with the said railway.

Power to acquire lands for ware houses, &c.

40 51. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not exceeding, for dry wood, three cents per mile per cord from all stations in full car loads, and for green wood three cents per ton per mile. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor or consignee of the said wood shall load and unload the same on or off the cars of the said company, or cause the same to be done, at the expense of the said owner, consignor or consignee, and in case any car is detained more than twenty-four hours after its arrival at its destination without being unloaded by the owner, consignor or consignee, then it shall and may be lawful for the said company to charge demurrage. Cordwood or

Rates for carriage of cordwood.

Proviso.

wood for fuel cut before the first day of March in any year, shall be deemed for the purposes of this Act dry wood by the first day of October following and not before.

Commence-
ment and com-
pletion of rail-
way.

52. The railway shall be commenced within five years and completed within eight years after the passing of this Act. 5

Plans and
books of re-
ference for
construction of
railway in
sections.

53. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit so that no one of such sections or portions shall be less than *ten* miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act, and the amendments thereof applied to, included in, or incorporated with the Act incorporating the said railway company, and the amendments thereto or otherwise applicable to the said railway company shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to plans and surveys. 10 15 20 25 30

SCHEDULE A.

(SECTION 32.)

Chief Engineer's Certificate.

THE ST. CATHARINES AND NIAGARA CENTRAL RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department,* A.D. 188

Certificate to be attached to cheques drawn on the St. Catharines and Niagara Central Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the St. Catharines and Niagara Central Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. of the Township of (or under the agreement dated the day of between

the corporation of _____ and the said company) to entitle the said company to receive from the said trust the sum of _____
(here set out the terms and conditions, if any, which have been fulfilled).

SCHEDULE B.

(SECTION 38.)

Know all men by these presents that I (or we) *(insert the names of the vendors)* in consideration of _____ dollars paid to me (or us) by the St. Catharines and Niagara Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) _____ in consideration of _____ dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant, or release all that certain parcel *(or those certain parcels, as the case may be)* of land *(describe the lands)* the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said St. Catharines and Niagara Central Railway Company, their successors and assigns *(here insert any other clauses, covenants, or conditions required)* and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ A.D. 188 .

Signed, sealed and delivered }
 in presence of }
 12—3

BILL.

An Act to incorporate the St. Catharines and
Niagara Central Railway Company.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. NELSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Hawkeye Gold and Silver Mining Company.

WHEREAS the Hawkeye Gold and Silver Mining Company Preamble.
 was incorporated under chapter sixty-three of the Consolidated Statutes of Canada; and whereas, by the Act of the Ontario Legislature, passed in the thirty-eighth year of the reign
 5 of Her Majesty Queen Victoria, and chaptered seventy, the said incorporation was confirmed and the said company was brought under the provisions of "The Ontario Joint Stock Companies' Letters Patent Act, 1874," and it was in and by section two of said Act provided, that the existence of the said company
 10 should be perpetual and that it should have and possess all the powers, rights, and privileges of a company incorporated under "The Ontario Joint Stock Companies' Letters Patent Act, 1874," and for all purposes should be considered and taken as having become incorporated under the said Act; and whereas, by section
 15 fifty-six of the said "The Joint Stock Companies' Letters Patent Act, 1874," it is provided that the charter of the company shall be forfeited by non-use during three consecutive years at any one time, or if the company do not go into actual operation within three years after the charter is granted; and
 20 whereas the said company by their petition have represented that for various reasons they have not gone into actual operation up to this time, but that they have agreed to sell their property, real and personal, and that doubts have been expressed as to their corporate existence and power to sell; and
 25 have prayed that an Act may be passed removing such doubts and confirming any sale that they have made; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
 30 as follows:—

1. The said Hawkeye Gold and Silver Mining Company are
 not and have been, since the passing of the said Act, passed in
 the thirty-eighth year of the reign of Her Majesty Queen Victoria,
 chaptered seventy, an existing corporation in law and in
 35 fact, notwithstanding their not having gone into actual operation before the granting hereof; and in this respect section fifty-six of "The Ontario Joint Stock Companies' Letters Patent Act, 1874," shall not be taken or held to apply to said company.

Existence of corporation affirmed.

40 2. The said company have power to sell and dispose of their estate, real and personal, as proposed in a resolution of the shareholders of the company passed at a general meeting, duly called and held at Belleville, on the twenty-fourth day of January,

Power to sell.

1880 ; and any sale or agreement for the sale of their said property approved by the said meeting shall be valid and binding on the said company in all courts and places whatsoever.

Execution of conveyances authorized.

3. The directors of the company shall have full power to complete the said sale and to order the execution of all conveyances necessary to give full effect to the said agreement, and any conveyances made in pursuance of said agreement shall vest the title to the said estate, real and personal, so conveyed in the purchasers, free from all claim of the said company and of the shareholders thereof respectively. 5 10

Purchasers not bound to see to application of purchase money.

4. The purchasers shall not be bound to see to the application or distribution of the said purchase money.

BILL.

An Act respecting the Hawkeye Gold and Silver Mining Company.

First Reading,	1881.
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(PRIVATE BILL.)

Mr. BOULTER.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Hawkeye Gold and Silver Mining Company.

WHEREAS the Hawkeye Gold and Silver Mining Company Preamble.
 was incorporated under chapter sixty-three of the Consolidated Statutes of Canada; and whereas, by the Act of the Ontario Legislature, passed in the thirty-eighth year of the reign
 5 of Her Majesty Queen Victoria, and chaptered seventy, the said incorporation was confirmed and the said company was brought under the provisions of "The Ontario Joint Stock Companies' Letters Patent Act, 1874," and it was in and by section two of said Act provided, that the existence of the said company
 10 should be perpetual and that it should have and possess all the powers, rights, and privileges of a company incorporated under "The Ontario Joint Stock Companies' Letters Patent Act, 1874," and for all purposes should be considered and taken as having become incorporated under the said Act; and whereas, by section
 15 fifty-six of the said "The Joint Stock Companies' Letters Patent Act, 1874," it is provided that the charter of the company shall be forfeited by non-user during three consecutive years at any one time, or if the company do not go into actual operation within three years after *its* charter *was* granted; and
 20 whereas the said company by their petition have represented that for various reasons they have not gone into actual operation up to this time, but that they have agreed to sell their property, real and personal, and that doubts have been expressed as to their corporate existence and power to sell, and
 25 have prayed that an Act may be passed removing such doubts and confirming any sale that they have made; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
 30 as follows:—

1. The said Hawkeye Gold and Silver Mining Company are Existence of corporation affirmed.
 now and have *always* been, since the passing of the said Act, passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered seventy, an existing corporation in
 35 law and in fact, notwithstanding their not having gone into actual operation before the *passing* hereof; and in this respect section fifty-six of "The Ontario Joint Stock Companies' Letters Patent Act, 1874," shall not be taken or held to apply or to have applied to said company.

40 2. The said company *shall be held and taken to have had at* Power to sell.
all times since its incorporation power to sell and dispose of its estate, real and personal; and any sale or agreement for the sale of its said property approved, *at any general meeting of the shareholders of said company duly called and held for that*
 45 *purpose*, shall be valid and binding on the said company in all courts and places whatsoever.

Execution of
conveyances
authorized.

3. The directors of the company shall have full power to complete *any such* sale and to order the execution of all conveyances necessary to give full effect to *any such* agreement, and any conveyances made in pursuance of *such an* agreement shall vest the title to the said estate, real and personal, so conveyed in the purchasers, free from all claim of the said company and of the shareholders thereof respectively.

Purchasers not
bound to see to
application of
purchase
money.

4. The purchasers shall not be bound to see to the application or distribution of the said purchase money.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Hawkeye Gold and
Silver Mining Company.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. BOULTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting St. Paul's Church, in the Town of Woodstock.

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario, passed in a session thereof held in the thirty-ninth year of the reign of Her Majesty, intituled "An Act respecting certain lands belonging to Saint Paul's Church in the town of Woodstock," certain powers were granted to the church wardens of the said church for the time being, with the consent of the rector and vestry to be obtained as therein specified, to apply one equal third of the proceeds of the sales of the lands therein mentioned, then or thereafter to be made, towards the purchase of a new site within the said town of Woodstock for a church, parsonage-house, and school-house belonging to the said Church of England, and towards the erecting thereon such church, parsonage house and school house; and whereas by the petition of the rector, vestry, and church wardens of the said church, it is represented that it would be greatly to the benefit of the said church that the additional powers hereinafter contained should be vested in the said church wardens for the time being, in respect of the said lands and the proceeds of the sales thereof; and whereas also by a patent dated the sixteenth day of January, in the year of our Lord one thousand eight hundred and thirty-six. His late Majesty King William IV., in pursuance of an Act of the Parliament of Great Britain, passed in the thirty-first year of the reign of His Majesty King George III., intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and which patent was granted by the Lieutenant-Governor of the said Province, under the authority of His said Majesty King William IV., with the advice and consent of His said Majesty's Executive Council of and for the said Province, did erect and constitute a parsonage or rectory at the town of Woodstock, in the county of Oxford, then the district of London, and did set apart certain lands, being lot number two in the first concession of the township of Oxford west, and lot number sixteen in the fifth concession of the township of Oxford east, as a glebe and endowment to be held appurtenant with the said parsonage or rectory; and whereas the said petition of the rector, vestry and church wardens aforesaid, represents it to be desirable to define the limits of the said rectory as they are hereinafter defined, and it is expedient to grant both prayers of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Proceeds of
sale of land
may be applied
wholly to pay-
ment of debt.

1. It shall be lawful for the church wardens of the said rectory for the time being, with the consent in writing of the rector of the said church, as the said rectory is herein defined, and also with the consent of the vestry of the said church (which vestry is herein defined to be the vestry of and for the 5 rectory and parish as herein defined) first had and obtained at a special meeting of the said vestry called and held for that purpose, to apply the whole of the proceeds of the sales of the lands in the Act first in recital mentioned, heretofore made or hereafter to be made, towards the payment of a debt due by 10 the said vestry in the building of a church erected by them on the south side of Dundas street, in the town of Woodstock, and towards the purchase of a new site within the said town of Woodstock, for a parsonage-house and school-house, and towards the erecting thereon or on any site they may at pre- 15 sent possess, such parsonage-house and school-house.

Sale or pledge
of securities
authorized.

2. The said church wardens may from time to time, with such consents as aforesaid, sell, assign, mortgage or pledge all such principal moneys, interest and rents, and all mortgages, leases, stocks and shares or other securities in which the same 20 are now or may hereafter be invested, subject, however, to all incumbrances thereon already created by them.

Limits of
rectory.

3. The limits of the said parsonage or rectory so created by the said patent are hereby defined to have been and to be, and they shall hereafter continue to be, the limits of the said town 25 of Woodstock, as the same have been, now are, or hereafter may from time to time exist for municipal purposes.

No. 14.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting St. Paul's Church, in the
Town of Woodstock.

First Reading, , 1881.

(*PRIVATE BILL*)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting St. Paul's Church, in the Town of Woodstock.

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario, passed in a session thereof held in the thirty-ninth year of the reign of Her Majesty, intituled "An Act respecting certain lands belonging to Saint Paul's Church in the town of Woodstock," certain powers were granted to the church wardens of the said church for the time being, with the consent of the rector and vestry to be obtained as therein specified, to apply one equal third of the proceeds of the sales of the lands therein mentioned, then or thereafter

Preamble.

to be made, towards the purchase of a new site within the said town of Woodstock for a church, parsonage-house, and school-house belonging to the said Church of England, and towards the erecting thereon such church, parsonage house and school house; and whereas by the petition of the rector, vestry, and church wardens of the said church, it is represented that it would be greatly to the benefit of the said church that the additional powers hereinafter contained should be vested in the said church wardens for the time being, in respect of the said lands and the proceeds of the sales thereof; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the church wardens of the said rectory for the time being, with the consent in writing of the rector of the said church, and also with the consent of the vestry of the said church first had and obtained at a special meeting of the said vestry called and held for that purpose, to apply the whole of the proceeds of the sales of the lands in the Act first in recital mentioned, heretofore made or hereafter to be made, towards the payment of a debt due by the said vestry in the building of a church erected by them on the south side of Dundas street, in the town of Woodstock, and towards the purchase of a new site within the said town of Woodstock, for a parsonage-house and school-house, and towards the erecting thereon or on any site they may at present possess, such parsonage-house and school-house.

Proceeds of sale of land may be applied wholly to payment of debt.

2. The said church wardens may from time to time, with such consents as aforesaid, sell, assign, mortgage or pledge all such principal moneys, interest and rents, and all mortgages, leases, stocks and shares, or other securities in which the same are now or may hereafter be invested, subject, however, to all incumbrances thereon already created by them.

Sale or pledge of securities authorized.

BILL.

An Act respecting St. Paul's Church, in the
Town of Woodstock.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to transfer the securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company (Limited).

WHEREAS The Anglo-Canadian Mortgage Company, a corporation of Ontario, organized under the laws relating to Building and Loan Societies, having its head office at the City of Hamilton, in the Province of Ontario, has agreed to sell all its Mortgages and other assets to The Omnium Securities Company (Limited), a Corporation organized under the general Joint Stock Company's Acts of Great Britain and Ireland, having its head office in the City of London, England, and being duly licensed to do business in the Province of Ontario, under the provisions of chapter one hundred and sixty-three of the Revised Statutes of Ontario; and whereas the said The Anglo-Canadian Mortgage Company has petitioned for an Act to vest in the said The Omnium Securities Company (Limited), all and every the mortgages and other securities of the said Mortgage Company, and to charge the same in the hands of the said The Omnium Securities Company (Limited) with the outstanding obligations of the said Mortgage Company to debenture holders and depositors, and to enable the said The Anglo-Canadian Mortgage Company to accept and receive the purchase moneys arising from the sale of the said securities, and to distribute the same to the shareholders of the said company, and to wind up the affairs of the said The Anglo-Canadian Mortgage Company, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the indentures of mortgage, the covenants and agreements therein contained, and the moneys thereby secured and the lands thereby conveyed, which are now vested in or owned or are intended to be vested in or owned by The Anglo-Canadian Mortgage Company, and all other the assets of the said company, save the purchase moneys for the said securities, for all the estate and interest of the said The Anglo-Canadian Mortgage Company, and subject only to the lien in favour of the debenture holders and depositors, the creditors of the said The Anglo-Canadian Mortgage Company, are hereby vested in and declared to be the property of the said The Omnium Securities Company (Limited), as fully and to the same extent and for the same estate as if the said mortgages and other securities had been originally taken by or made to the said The Omnium Securities Company (Limited), and they shall be entitled to sue or otherwise proceed on the said Mortgages and

Assets of
Anglo-Canadian Mortgage
Company
transferred to
Omnium
Securities
Company.

securities in the name of the said The Omnium Securities Company (Limited), as fully as the said The Anglo-Canadian Mortgage Company might do if this Act had not been passed.

Assets subject
to lien of de-
benture
holders and
depositors.

2. All the said securities and assets by this Act vested in the said The Omnium Securities Company (Limited), and all other the securities and assets of the said company, hereafter held by them in the Province of Ontario, which shall arise out of the reinvestment of the moneys coming in upon said securities, shall stand charged with and shall be subject to a lien as for unpaid purchase money in favour of all the holders of the debentures issued by the said The Anglo-Canadian Mortgage Company, and of the depositors in the savings bank in the said last named company, and the said securities and the proceeds thereof shall be kept separate and apart from the other moneys and securities of the said The Omnium Securities Company (Limited). And the said debenture holders and depositors are hereby declared to be severally the creditors of the said The Omnium Securities Company (Limited), to the extent of their several and respective claims against the Anglo-Canadian Mortgage Company and interest, and to be severally entitled to enforce the said lien against the said securities and assets upon default of payment of principal or interest or any part thereof : Provided that until default and written or printed notice thereof to the mortgagors or debtors of the said The Anglo-Canadian Mortgage Company of default by The Omnium Securities Company (Limited), in payment of the said debentures or interest, the discharge of the mortgages and other securities by The Omnium Securities Company (Limited) to the said mortgagors or debtors shall be final and absolute, notwithstanding the said lien.

Proviso.

Until payment
of debentures
certain moneys
not to be with-
drawn from
Ontario.

3. Until the said debentures are fully paid and satisfied, the said The Omnium Securities Company (Limited) shall not withdraw the moneys represented by the said securities from the Province of Ontario, but shall, as the same fall in, re-invest the same in the same class of securities, namely, securities authorized by the laws of the Province of Ontario to be taken by companies organized under the Building and Loan Association Acts, and Messrs Frasers, Stodard & Mackenzie, writers, Edinburgh, Scotland, on behalf of the said debenture holders, shall have a certified copy of each audit of the affairs of the said company in Ontario sent to them forthwith after its completion, and such audit shall be accompanied, at least once in the year, by a schedule of securities held by the said company, and which are subject to the said lien.

Application of
purchase
moneys.

4. The purchase moneys of the said mortgages and securities, after deducting the amount of the said outstanding debentures and deposits left in the hands of the said The Omnium Securities Company (Limited), shall be applied by the directors of The Anglo-Canadian Mortgage Company as follows :

(1) In paying all the debts and liabilities of the said The Anglo-Canadian Mortgage Company, other than the said debentures and deposits ;

(2) In paying the cost of negotiating and carrying out the sale of the said securities and of procuring this Act and of carrying out the provisions thereof, and of paying the expenses of closing and winding up the business of the said company ;

(3) In paying back to the shareholders of the said The Anglo-Canadian Mortgage Company, according to the share register of the said company at the date of distribution, the amount of the capital stock subscribed and paid in to the said company, 5 with interest or dividend at the rate of eight per centum per annum from the date of last dividend paid by the said The Anglo-Canadian Mortgage Company;

(4) In paying the residue, if any, to the shareholders of the said company, according to their respective rights therein.

10 5. In the event of the death of any shareholder without ad-
 ministration being taken out, or in the event of any share-
 holder refusing to accept repayment of the moneys falling to
 him under the last clause hereof, or in the event of the same
 not being claimed within three months after the date of gen-
 15 eral distribution, the directors shall deposit to the credit of such
 shareholder or shareholders in some one of the chartered banks
 doing business in this Province and having an office in the city
 of Hamilton, the amount which may be due in respect of such
 shares and premium, and shall mail a notice in writing or print
 20 to the last known address of such shareholder of such deposit,
 and such payment shall absolve and discharge such directors,
 and the said The Anglo-Canadian Mortgage Company from all
 liability to such shareholders in respect of such shares and the
 moneys arising therefrom.

Payment into
 bank when a
 valid dis-
 charge.

25 6. The said The Omnium Securities Company (Limited) may
 deposit in any one of the said chartered banks of this Province,
 having an office in Hamilton, any balance of principal moneys
 and interest due to any depositor in the savings bank of the
 said The Anglo-Canadian Mortgage Company, and by mailing
 30 a notice in writing to the last known post office address of such
 depositor of such deposit having been made, shall be absolved
 from further responsibility with respect to such depositor, to
 the said depositor, his assignee or representative.

Discharging
 claims of
 depositors by
 payment into
 bank.

35 7. From and after the passing of this Act, the said The An-
 glo-Canadian Mortgage Company shall cease to do business as
 a loan company, except for the purposes of carrying out the
 provisions of this Act and winding up, and they shall not be
 liable to make any further returns under the provisions of
 the Acts relating to Building and Loan Societies.

Anglo-Can-
 dian Mortgage
 Company to
 cease from
 business.

BILL.

An Act to transfer the Securities of the
Anglo-Canadian Mortgage Company to
the Omnium Securities Company
(Limited).

First Reading, , 1881.

(PRIVATE BILL.)

Mr. GIBSON, (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to transfer the securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company (Limited).

WHEREAS The Anglo-Canadian Mortgage Company, a corporation of Ontario, organized under the laws relating to Building and Loan Societies, having its head office at the City of Hamilton, in the Province of Ontario, has agreed to sell all its Mortgages and other assets to The Omnium Securities Company (Limited), a Corporation organized under the general Joint Stock Company's Acts of Great Britain and Ireland, having its head office in the City of London, England, and being duly licensed to do business in the Province of Ontario, under the provisions of chapter one hundred and sixty-three of the Revised Statutes of Ontario; and whereas the said The Anglo-Canadian Mortgage Company has petitioned for an Act to vest in the said The Omnium Securities Company (Limited), all and every the mortgages and other securities of the said Mortgage Company, and to charge the same in the hands of the said The Omnium Securities Company (Limited) with the outstanding obligations of the said Mortgage Company to debenture holders and depositors, and to enable the said The Anglo-Canadian Mortgage Company to accept and receive the purchase moneys arising from the sale of the said securities, and to distribute the same to the shareholders of the said company, and to wind up the affairs of the said The Anglo-Canadian Mortgage Company, and it is expedient to grant the prayer of the said petition; ~~and~~ all the holders of the debentures of the Anglo-Canadian Mortgage Company having, by their counsel in that behalf, consented thereto, and to the provisions hereinafter in this Act contained; ~~and~~

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the indentures of mortgage, the covenants and agreements therein contained, and the moneys thereby secured and the lands thereby conveyed, which are now vested in or owned or are intended to be vested in or owned by The Anglo-Canadian Mortgage Company, and all other the *lands and* assets of the said company, save the purchase moneys for the said securities, for all the estate and interest of the said The Anglo-Canadian Mortgage Company, and subject only to the lien in favour of the debenture holders and depositors, the creditors of the said The Anglo-Canadian Mortgage Company, are hereby vested in and declared to be the property of the said The Omnium Securities Company (Limited), as fully and to the same extent and for the same estate as if the said mortgages and other

Preamble

Assets of
Anglo-Canadian Mortgage
Company
transferred to
Omnium
Securities
Company.

securities had been originally taken by or made to the said The Omnium Securities Company (Limited), and they shall be entitled to sue or otherwise proceed on the said Mortgages and securities in the name of the said The Omnium Securities Company (Limited), as fully as the said The Anglo-Canadian Mortgage Company might do if this Act had not been passed. 5

Assets to be subject to lien of debenture holders and depositors.

2. All the said securities, *lands* and assets by this Act vested in the said The Omnium Securities Company (Limited), and all other the securities, *lands* and assets of the said company, hereafter held by them in the Province of Ontario, which shall arise 10 out of the reinvestment of the moneys coming in upon said securities, shall stand charged with and shall be subject to a lien as for unpaid purchase money in favour of all the holders of the debentures issued by the said The Anglo-Canadian Mortgage Company, and of the depositors in the savings bank in the said 15 last named company, and the said securities and the proceeds thereof shall be kept separate and apart from the other moneys and securities of the said The Omnium Securities Company (Limited): and the said debenture holders and depositors are hereby declared to be severally the creditors of the said The 20 Omnium Securities Company (Limited), to the extent of their several and respective claims against the Anglo-Canadian Mortgage Company and interest, and to be severally entitled to enforce the said lien against the said securities, *lands* and assets upon default of payment of principal or interest or any part 25 thereof: Provided the discharge of the mortgages and other securities by The Omnium Securities Company (Limited) to the said mortgagors or debtors shall be final and absolute, notwithstanding the said lien.

Proviso.

Until payment of debentures certain moneys not to be withdrawn from Ontario.

3. Until the said debentures are fully paid and satisfied, the 30 said The Omnium Securities Company (Limited) shall not withdraw the moneys represented by the said securities from the Province of Ontario, but shall, as the same fall in, re-invest the same in the same class of securities, namely, securities authorized by the laws of the Province of Ontario to be taken by 35 companies organized under the Building and Loan Association Acts, and Messrs Frasers, Stodard & *Ballingall*, writers, Edinburgh, Scotland, on behalf of the said debenture holders, shall have a certified copy of each audit of the affairs of the said company in Ontario sent to them forthwith after its completion, 40 and such audit shall be accompanied, at least once in the year, by a schedule of securities held by the said company, and which are subject to the said lien.

Provisions for the protection of debenture holders and depositors.

4. The manager and the advisory board, in Canada, of the 45 said The Omnium Securities Company (Limited), namely, John F. Wood, George Roach, A. G. Ramsay, and Lyman Moore, esquires, shall have the custody and care of the said securities, and the proceeds thereof; and they and their survivors shall be a committee who shall have power, and whose duty it shall be, at the expense and cost of the said The Omnium Securities 50 Company (Limited), to take all necessary steps to protect the interest and lien of the said debenture holders and depositors, as against the said securities and the proceeds thereof, and to see that re-investments are made in the terms of this Act, and that the said securities or proceeds thereof are not removed 55 from the Province of Ontario, until the said debentures and

deposits are fully paid, and in the event of default being made in the payment of the said debentures and deposits, or any of them, or of the coupons or interest thereon, it shall be the duty of the said committee, or of the survivors of them, to
 5 apply the said securities, or the proceeds thereof, as realized upon or collected, in and towards the payment of the said debentures and deposits, and the coupons and interest thereon, until the whole of the said debentures and deposits and the said coupons and interest, and all the expenses connected with
 10 the execution of the said trust are fully paid, and the said committee and the survivors of them are hereby appointed the attorneys irrevocably of the said The Omnium Securities Company (Limited), for the purpose of carrying out the provisions of sections two, three and four of this Act. 

15 **5.** The purchase moneys of the said mortgages and securities, after deducting the amount of the said outstanding debentures and deposits left in the hands of the said The Omnium Securities Company (Limited), shall be applied by the directors of The Anglo-Canadian Mortgage Company as follows: Application of purchase moneys.

20 (1) In paying all the debts and liabilities of the said The Anglo-Canadian Mortgage Company, other than the said debentures and deposits;

(2) In paying the cost of negotiating and carrying out the sale of the said securities and of procuring this Act and of carrying out the provisions thereof, and of paying the expenses of closing and winding up the business of the said company;

(3) In paying back to the shareholders of the said The Anglo-Canadian Mortgage Company, according to the share register of the said company at the date of distribution, the amount of
 30 the capital stock subscribed and paid in to the said company, with interest or dividend at the rate of eight per centum per annum from the date of last dividend paid by the said The Anglo-Canadian Mortgage Company;

(4) In paying the residue, if any, to the shareholders of the
 35 said company,  *pro rata* according to the amount paid in by them respectively on their respective shares in the said The Anglo-Canadian Mortgage Company. 

6. In the event of the death of any shareholder without administration being taken out, or in the event of any shareholder refusing to accept repayment of the moneys falling to him under the last clause hereof, or in the event of the same not being claimed within three months after the date of general distribution, the directors shall deposit to the credit of such shareholder or shareholders in *the savings bank department of*
 45 some one of the chartered banks doing business in this Province and having an office in the city of Hamilton, the amount which may be due in respect of such shares and premium, and shall mail a notice in writing or print to the last known address of such shareholder of such deposit, and such payment shall
 50 absolve and discharge such directors, and the said The Anglo-Canadian Mortgage Company from all liability to such shareholders in respect of such shares and the moneys arising therefrom. Payment into bank when a valid discharge.

7. The said The Omnium Securities Company (Limited) may
 55 deposit in *the savings bank department of* any one of the said chartered banks of this Province, having an office in Hamilton, Discharging claims of depositors by payment into bank.

any balance of principal moneys and interest due to any depositor in the savings bank of the said The Anglo-Canadian Mortgage Company, and by mailing a notice in writing to the last known post office address of such depositor of such deposit having been made, shall be absolved from further responsibility with respect to such depositor, to the said depositor, his assignee or representative. 5

Anglo-Canadian Mortgage Company to cease from business.

8. From and after the passing of this Act, the said The Anglo-Canadian Mortgage Company shall cease to do business as a loan company, except for the purposes of carrying out the provisions of this Act and winding up, and, so far as the Legislature of Ontario hath authority so to enact, they shall not be liable to make any further returns under the provisions of the Acts relating to Building and Loan Societies. 10

BILL.

An Act to transfer the Securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company (Limited).

(Reprinted as amended.)

First Reading, 25th January, 1881.

Mr. GIBSON, (Hamilton.)

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Hamilton and Dundas Street
Railway Company.

WHEREAS the Hamilton and Dundas Street Railway Com- Preamble.
pany have petitioned that an Act may be passed to amend
the Acts incorporating and relating to the said company, to
enable them to re-adjust their capital account, and to enable
5 them to acquire, sell and mortgage lands for park, horticultural
and other purposes connected with the business of the company,
and to make applicable to the said company certain sections
of the Railway Act of Ontario; and whereas it is expedient to
grant the prayer of the said petition;
10 Therefore Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The capital stock of the said company is hereby de- Preference
clared to consist of the twenty-five thousand dollars in shares stock.
15 of stock now issued and outstanding, and of the further issue
hereby authorized of fifteen thousand dollars preferred or de-
benture stock which shall have preference and priority, after
the bonded debt, against the earnings and assets of the said
company over said first issue of stock for the amount thereof,
20 and for dividends thereupon, not exceeding eight per centum per
annum; and the said company are hereby authorized to issue
said preferred stock, at such rates and at such times as may be
determined by the directors of the said company, and the pro-
ceeds of such issue shall be the property of the company, ap-
25 plicable in and towards payment of their outstanding obli-
gations and towards the improvement and extension of the
undertaking of the said railway.

2. The company are hereby authorized to call in, cancel and Power to call
revoke their first issue of bonds authorized under the Act in outstanding
30 passed in the thirty-ninth year of Her Majesty's reign, and bonds and
chaptered eighty-seven, amounting in all to the sum of twenty- make new
five thousand dollars, and also to call in and revoke the second issue.
issue of bonds under the statute, amounting to five thousand
dollars; and the said company are hereby authorized and em-
35 powered to make and issue bonds of the said company to the
total extent of fifty thousand dollars, the said bonds being
payable in twenty years, from the first day of March, one
thousand eight hundred and eighty-one, and bearing interest
at the rate of six per centum per annum, which said bonds shall
40 be taken and considered to be the first preferential claim and
charge upon the undertaking and real property of the com-
pany, including its rolling stock and equipments then existing,
and at any time thereafter acquired, subject always to the lien

of any unpaid vendor in respect of any of said property, and each holder of the said bonds so issued and to be issued as hereafter provided shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: 5
 Provided that if any of the bonds of the said company of the first or second issue are not surrendered to and cancelled by the said company, the new issue hereby authorized shall be reduced by the amount not so surrendered and cancelled, so that the aggregate issue of bonds shall not exceed fifty thousand 10 dollars.

Proviso.

Power to
acquire lands.

3. The said company is hereby authorized to purchase, mortgage and dispose of, sell and convey any lands adjacent to or near the line of their said railway which they may acquire for the purposes of park, or for horticultural grounds, or for any 15 other purpose required for the increase or development of travel or excursions on the said line of railway, and the directors of the said company are authorized to apply the moneys of the said company for the purpose of developing and improving any property so acquired or to be acquired, and it is 20 hereby declared and enacted that sections thirty-four, thirty-nine, forty, forty-one, forty-two, ninety-five, ninety-six and ninety-seven, of chapter one hundred and sixty-five of the Revised Statutes of Ontario, shall be applicable to the said the Hamilton and Dundas Street Railway, and the said sections 25 are hereby incorporated and declared to form part of the charter of the said company.

No. 16.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Hamilton and Dundas
Street Railway Company.

First Reading,
1881.

(PRIVATE BILL.)

Mr. AWREY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Act incorporating the Lake
Scugog Marsh Lands Drainage Company.

WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have, by their petition, prayed that the Act incor-
porating the said company, passed in the forty-second year of
Her Majesty's reign, and chaptered forty-nine, may be amended;
5 and whereas it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

10 1. The said company shall have power to construct an em- Change of con-
struction
authorized.
bankment against the south side of the Port Perry and Scugog
Bridge, sufficient to prevent the passing of water, in lieu of the
embankment or roadway, required by the nineteenth section
of the said Act, to be made from the Village of Port Perry to
15 the Township of Scugog.

2. The said company shall have power to construct, or may Authority to
collect tolls.
form a separate company with power to construct, the road-
way or embankment from the township of Cartwright to the
township of Scugog required by the said nineteenth section of
20 the said Act as a toll road, with power to levy and collect tolls
thereon.

3. The said company may acquire and purchase other lands Power to
acquire lands.
than those lying in or forming part of the said marsh.

4. The time for commencing the works to be carried on Time
extended.
25 under this Act is hereby extended for two years, and for com-
pleting the said work for five years.

No. 17.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to amend the Act incorporating the
Lake Scugog Marsh Lands Drainage
Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. PAXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Act incorporating the Lake Scugog Marsh Lands Drainage Company.

WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have, by their petition, prayed that the Act incor-
porating the said company, passed in the forty-second year of
Her Majesty's reign, and chaptered forty-nine, may be amended;
5 and whereas it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 10 1. The *Lake Scugog Marsh Lands Drainage* Company shall Change of con-
struction
authorized.
have power to construct an embankment against the south side
of the Port Perry and Scugog Bridge, sufficient to prevent the
passing of water, in lieu of the embankment or roadway, re-
quired by the nineteenth section of the said Act, to be made
15 from the village of Port Perry to the township of Scugog:
 Provided always that this section shall not come into effect Proviso.
unless and until the council of the corporation of the township
of Scugog and the council of the corporation of the village of
Port Perry first assent thereto by by-law, and then only subject
20 to such terms and conditions as in any such by-law may be
contained. 

2. The said company shall have power to construct the Authority to
collect tolls.
roadway or embankment from the township of Cartwright to
the township of Scugog required by the said nineteenth section
25 of the said Act as a toll road, with power to levy and collect
tolls thereon:  Provided always that this section shall not Proviso.
come into effect unless and until the council of the corporation
of the township of Scugog and the council of the corporation
of the township of Cartwright first assent thereto by by-law,
30 passed in that behalf, and then only subject to such terms and
conditions as in any such by-law may be contained. 

3. The said company may,  in addition to the powers Power to
acquire lands.
granted by said Act,  acquire and purchase the lands,  or
any part thereof, situate in the townships of Reach and Scugog,
35 comprised within the following boundaries, that is to say:—
Commencing at the intersection of the boundary line between
the fifth and sixth concessions of the said township of Reach
with the Nonquon Road; thence southerly along the east side of
the Nonquon Road to the boundary line between the second and
40 third concessions of the said township of Reach; thence east-
erly along the said boundary line between the second and third
concessions to the south-east corner of lot number twenty-four,
in the third concession of the said township of Reach; thence

northerly along the boundary line, between the township of Reach and the township of Cartwright produced to the north-easterly corner of lot number twenty-four, in the fifth concession of the township of Scugog; thence westerly, along the boundary between the fifth and sixth concessions of the said township of Scugog produced to the boundary line between the fifth and sixth concessions of the township of Reach, to the place of beginning. 

Time
extended.

4. The time for commencing the works to be carried on under *the said Act and* this Act is hereby extended for two 10 years, and for completing the said work for five years.

BILL.

An Act to amend the Act incorporating the
Lake Scugog Marsh Lands Drainage
Company.

(*Reprinted as amended.*)

First Reading, 31st January, 1881.

(*PRIVATE BILL.*)

Mr. PAXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the several Acts relating to the
Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto, Grey and Bruce Railway Company ^{Preamble.}

have by their petition prayed for certain amendments to their several Acts and for power to create a preferential issue of bonds or debenture stock, to re-arrange their bonded
5 debt, and for authority to enter into an arrangement with another railway company for the working of their railway and for other purposes, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may, with the consent of a majority of two-thirds (of those present in person or by proxy) in value of the holders of the terminable bonds or debenture stock of the
15 said company heretofore issued, at a meeting to be specially called for that purpose, in the same manner as provided for by subsections one and two of section one of the Act passed in the forty-third year of Her Majesty's reign. and chaptered sixty-six, issue a preference perpetual debenture stock, here-
20 inafter called preference debenture stock or preference terminable bonds, for an amount not exceeding one million of dollars, and may make the interest on such preference debenture stock or preference terminable bonds, payable in London, England, or elsewhere, as the company may
25 think expedient; the said preference debenture stock or preference terminable bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly, and the company may make the preference terminable bonds for such amounts not less than
30 one hundred pounds each, and payable at such dates and places as they may deem advisable, and such preference debenture stock and preference terminable bonds shall, without registration in any city or county registry office or formal conveyance, be a first mortgage, and charge prior to all other charges thereon, upon the
35 Toronto, Grey and Bruce Railway and upon all and every the undertaking, and upon the real and personal property of the company, including the rolling stock and equipments, and whether such property be existing at the date of the issue of such preference debenture stock or preference terminable
40 bonds, or be thereafter acquired, and upon the franchises of the company, and each holder of the said preference debenture stock and preference terminable bonds, or either of them, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof upon the aforesaid undertaking and

Issue of preference debenture stock or preference terminable bonds authorized.

property of the company, and the franchises of the company as aforesaid, ranking equally with the other, notwithstanding any difference in date of issue, in priority to all other charges and incumbrances, including all bonds or debenture stock heretofore issued or authorized.

5

Company to
keep registers
of debenture
stock.

2. Such preference debenture stock and the debenture stock authorized under the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, which from time to time shall be created, shall be entered by the company in separate registers, to be kept for that purpose at their office in 10 Toronto, wherein they shall enter the names and addresses of the several persons and corporations, from time to time, entitled to either of such preference debenture stock or debenture stock, as the case may be, with the respective amounts of the stock to which they are respectively entitled, and the said 15 company may also open registers for the same purpose in Great Britain.

And give Cer-
tificates to
holders of such
stock.

3. The company shall deliver to every holder a certificate stating the amount of preference debenture stock or debenture stock, held by him, as the case may be, and all regulations or 20 provisions for the time being applicable to certificates of ordinary shares of the capital of the company and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the preference debenture stock, or debenture stock, subject to the provisions of this Act: Provided the company 25 shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the preference debenture stock, or debenture stock proposed to be transferred, be delivered up to be cancelled or such delivery and cancellation dispensed with by 30 the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Company
may appoint an
agent in Eng-
land with
power to keep
books of trans-
fer, etc.

4. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an 35 agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital-stock of the company, and also keep books of transfer and registers for the preference debenture stock and debenture stock of the company, and for the issue of scrip and 40 stock certificates, and thereupon the registry of any shares, preference debenture stock or debenture stock, may be transferred from the office [of the said company in Toronto, to the London office, and there registered in the name of the holder; and transfers of such shares, preference debenture stock, and debenture stock may then be made in the same manner as shares 45 and debenture stocks may be transferred in the former office, and such shares or any of them or debenture stock may be retransferred to the office in Toronto; and the agent or agents, or other officer or officers in London, shall transmit an accurate list of all such transfers and scrip certificates so issued to the 50 secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this province, and thereupon the same shall be binding on the company as to all the rights and privileges of share- 55 holders and preference debenture stock-holders, and debenture

ture stock-holders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

5. The said preference debenture stock or other debenture stock respectively, shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling; and section nine of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby amended accordingly. 43 Vic., c. 66, s. 9, amended.

6. All transfers of all classes of debenture stock of the company may be registered at the office of the company at Toronto, in Canada, or in any office of the company which may be established in Great Britain, and at both of such places. Where transfers of debenture stock may be registered.

7. The directors may, from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock, preference debenture stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations not being inconsistent with this Act, and with the Ontario Railway Act as altered or modified by this Act, shall be valid and binding. Directors may make regulations for facilitating transfers of stock, etc.

8. The said company shall have all the powers necessary for the issue of the said preference debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof. Company to have all necessary powers for issue of preference stock, etc.

9. The said preference debenture stock, preference terminable bonds, and all other debenture stock and bonds issued or to be issued by the said railway company, shall be deemed to be and are hereby declared to be personal estate. Debenture stock, etc., to be personal estate.

10. The said company shall have the right to sell such preference debenture stock, and preference terminable bonds, at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company. Sale or mortgage of preference debenture stock and bonds authorized.

11. The money to be realized from the sale of, or raised by mortgaging, pledging or hypothecating the said preference debenture stock and preference terminable bonds, shall be applied towards the cost of changing the gauge and reconstructing and equipping the said railway, and for such other purposes as the directors may deem expedient. Application of moneys.

12. In case the interest be not paid on the said preference debenture stock or preference terminable bonds at the rate of at least five per cent. in any year, then at the next and at all subsequent, general, annual, or semi-annual meetings or special general meetings of the company, all holders of said preference debenture stock or preference terminable bonds shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders for directors and of being elected as directors, as belong to ordinary shareholders; and subsection two of section fifteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby amended. If interest on preference debenture stock or bonds not paid holders thereof to have rights of shareholders. 43 Vic., c. 66, s. 15, sub-s. 2, amended.

Proviso.

extended by adding thereto after the words "debenture stock-holders" in the third line, and in the fifth line the words "preference debenture stock-holders and preference terminable bondholders," provided that their preference debenture stock and preference terminable bonds and any transfers thereof be first registered in the same manner as is provided for the registration of the ordinary shares. 5

41 Vic., c. 55,
Ss. 1-6, and 43
Vic., c. 66, s. 16
repealed.

13. And whereas no postal bonds and no second mortgage bonds have been issued under the powers conferred by the Act passed in the forty-first year of Her Majesty's reign, and chaptered fifty-five, such powers are hereby annulled, and sections one, two, three, four, five and six of that Act, and section sixteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, are hereby repealed. 10

Agreements
with other
companies.

14. The said company may enter into any agreement with any other railway company or companies, whether subject to the legislative authority of this province or otherwise, which is or are lawfully empowered to enter into any such agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the respective companies may agree upon, or for the construction, partial construction, or reconstruction thereof, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives, rolling stock or other property from such companies or persons, and generally to make any agreement or agreements with any other company or companies touching the use by one or the other company or by both companies of the railway, or rolling stock of either, or both, or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and such agreement shall be valid and binding according to the law and tenor thereof: Provided that assent be given thereto by at least two-thirds of the shareholders present, or represented by proxy at any meeting specially called for the purpose, according to the by-laws of the company; and the company or companies leasing or entering into any such agreement for using or working the said railway may, and are hereby authorized, to work the said railway in the same manner as if incorporated with their own railway, and with the same rights, powers and privileges as they possess in respect thereof: And provided this section shall not be construed as conferring power upon any other company to enter into agreements as aforesaid, unless such company has such power under the Act of Incorporation or other Acts relating to such company. 15 20 25 30 35 40 45

Proviso.

Proviso.

By-laws aiding
company to be
legal and valid
when passed.

15. All by-laws passed by any municipality, or voted upon or to be voted upon, by the ratepayers of any municipality, for the purpose of aiding the said Toronto, Grey and Bruce Railway Company under the provisions of the Act passed in the forty-third year of Her Majesty's reign, chaptered sixty-six, when passed and all debentures issued, or to be issued, under such by-law or by-laws, shall be, and are hereby declared, legal and valid: Provided such by-law or by-laws have been carried by a majority of the legally qualified ratepayers, who have voted thereon. 55

Proviso.

No. 18.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to amend the several Acts relating
to the Toronto, Grey and Bruce Railway
Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. BELL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the several Acts relating to the
Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto, Grey and Bruce Railway Company have by their petition prayed for certain amendments to their several Acts and for power to create a preferential issue of bonds or debenture stock, to re-arrange their bonded debt; and for authority to enter into an arrangement with another railway company for the working of their railway and for other purposes, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may, with the consent of two-thirds in value of *those* holders of the terminable bonds or debenture stock of the said company heretofore issued, *present in person or represented by proxy*, at a meeting to be specially called for that purpose, in the same manner as provided for by subsections one and two of section one of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, issue a preference perpetual debenture stock, hereinafter called preference debenture stock, or preference terminable bonds, for an amount not exceeding one million of dollars, and may make the interest on such preference debenture stock or preference terminable bonds, payable in London, England, or elsewhere, as the company may think expedient; the said preference debenture stock or preference terminable bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly, and the company may make the preference terminable bonds for such amounts not less than one hundred pounds each, and payable at such dates and places as they may deem advisable, and such preference debenture stock and preference terminable bonds shall, without registration in any city or county registry office or formal conveyance, be a first mortgage, and charge prior to all other charges thereon, upon the Toronto, Grey and Bruce Railway and upon all and every the undertaking, and upon the real property of the company, and the rolling stock and equipments *then existing, and at any time* thereafter acquired, and upon the franchises of the company, and each holder of the said preference debenture stock and preference terminable bonds, or either of them, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof upon the aforesaid undertaking and property of the company, and the franchises of the company as aforesaid, ranking equally with the other, notwithstanding

Issue of preference debenture stock or preference terminable bonds authorized.

any difference in date of issue, in priority to all other charges and incumbrances, including all bonds or debenture stock heretofore issued or authorized.

Company to
keep registers
of debenture
stock ;

2. Such preference debenture stock and the debenture stock authorized under the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, which from time to time shall be created, shall be entered by the company in separate registers, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations, from time to time, entitled to either of such preference debenture stock or debenture stock, as the case may be, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

And give Cer-
tificates to
holders of such
stock.

3. The company shall deliver to every holder a certificate stating the amount of preference debenture stock or debenture stock, held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the preference debenture stock, or debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the preference debenture stock, or debenture stock proposed to be transferred, be delivered up to be cancelled or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Company
may appoint an
agent in Eng-
land with
power to keep
books of trans-
fer, etc.

4. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital-stock of the company, and also keep books of transfer and registers for the preference debenture stock and debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares, preference debenture stock or debenture stock, may be transferred from the office of the said company in Toronto, to the London office, and there registered in the name of the holder; and transfers of such shares, preference debenture stock, and debenture stock may then be made in the same manner as shares and debenture stocks may be transferred in the former office, and such shares or any of them or debenture stock may be transferred to the office in Toronto; and the agent or agents, or other officer or officers in London, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders and preference debenture stock-holders, and debenture stock-holders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

5. The said preference debenture stock or other debenture stock respectively, shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling; and section nine of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby amended accordingly.

6. All transfers of all classes of debenture stock of the company may be registered at the office of the company at Toronto, in Canada, or in any office of the company which may be established in Great Britain, and at both of such places.

7. The directors may, from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock, preference debenture stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations not being inconsistent with this Act, and with the Ontario Railway Act as altered or modified by this Act, shall be valid and binding.

8. The said company shall have all the powers necessary for the issue of the said preference debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof.

9. The said preference debenture stock, preference terminable bonds, and all other debenture stock and bonds issued or to be issued by the said railway company, shall be deemed to be and are hereby declared to be personal estate.

10. The said company shall have the right to sell such preference debenture stock, and preference terminable bonds, at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.

11. The money to be realized from the sale of, or raised by mortgaging, pledging or hypothecating the said preference debenture stock and preference terminable bonds, shall be applied towards the cost of changing the gauge and reconstructing and equipping the said railway, and for such other purposes as the directors may deem expedient.

12. In case the interest be not paid on the said preference debenture stock or preference terminable bonds at the rate of at least five per cent. in any year, then at the next and at all subsequent, general, annual, or semi-annual meetings or special general meetings of the company, all holders of said preference debenture stock or preference terminable bonds shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders for directors and of being elected as directors, as belong to ordinary shareholders; and subsection two of section fifteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, is hereby extended by adding thereto after the words "debenture stockholders" in the third line, and in the fifth line the words "preference debenture stockholders and preference terminable bondholders," provided that their preference debenture stock

43 Vic., c. 66,
s. 9, amended.

Where transfers of debenture stock may be registered.

Directors may make regulations for facilitating transfers of stock, etc.

Company to have all necessary powers for issue of preference stock, etc.

Debenture stock, etc., to be personal estate.

Sale or mortgage of preference debenture stock and bonds authorized.

Application of moneys.

If interest on preference debenture stock or bonds not paid holders thereof to have rights of shareholders.

43 Vic., c. 66,
s. 15, sub-s. 2,
amended.

Proviso.

and preference terminable bonds and any transfers thereof be first registered in the same manner as is provided for the registration of the ordinary shares.

41 Vic., c. 55,
Ss. 1-6, and 43
Vic., c. 66, s. 16
repealed.

13. And whereas no postal bonds and no second mortgage bonds have been issued under the powers conferred by the Act passed in the forty-first year of Her Majesty's reign, and chaptered fifty-five, such powers are hereby annulled, and sections one, two, three, four, five and six of that Act, and section sixteen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-six, are hereby repealed. 5 10

Agreements
with other
companies.

14. The said company may enter into any agreement with any other railway company or companies, whether subject to the legislative authority of this province or otherwise, which is or are lawfully empowered to enter into any such agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the respective companies may agree upon, or for the construction, partial construction, or reconstruction thereof, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives, rolling stock or other property from such companies or persons, and generally to make any agreement or agreements with any other company or companies touching the use by one or the other company or by both companies of the railway, or rolling stock of either, or both, or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and such agreement shall be valid and binding according to the law and tenor thereof: Provided that assent be given thereto by at least two-thirds of the shareholders present, or represented by proxy at any meeting specially called for the purpose, according to the by-laws of the company; and the company or companies leasing or entering into any such agreement for using or working the said railway may, and are hereby authorized, to work the said railway in the same manner as if incorporated with their own railway, and with the same rights, powers and privileges as they possess in respect thereof: And provided this section shall not be construed as conferring power upon any other company to enter into agreements as aforesaid, unless such company has such power under the Act of incorporation or other Acts relating to such company: And provided also, that this section shall not be construed as authorizing, and the said company shall not enter into an agreement as aforesaid with the Northern Railway Company of Canada, or with the Hamilton and North Western Railway Company or Great Western Railway Company, unless with the consent of the Lieutenant-Governor in Council; and before such consent shall be given by the Lieutenant-Governor in council the municipalities which have granted bonuses in aid of the Toronto Grey and Bruce Railway Company shall be notified. 15 20 25 30 35 40 45 50

Proviso.

Proviso.

Proviso.

By-laws aiding
company confirmed.

15. All by-laws passed by any municipality, for the purpose of aiding the said Toronto, Grey and Bruce Railway Company under the provisions of the Act passed in the forty-third year of Her Majesty's reign, chaptered sixty-six, and all debentures issued, or to be issued, under such by-law or by-laws, shall be, and are hereby declared, legal and valid: Provided such by-law or by-laws have been carried by a majority of the legally qualified ratepayers, who have voted thereon. 55

Proviso.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. BELL.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Debenture Debt of the County
of Simcoe.

WHEREAS the corporation of the county of Simcoe has Preamble.
an outstanding debenture debt of sixty-nine thousand
dollars which matures on or about the thirty-first day of
December, one thousand eight hundred and eighty-one; and
5 whereas the said corporation propose to pass a by-law for the
issue of new debentures of the said county for the said sum of
sixty-nine thousand dollars, on which to raise money sufficient
to repay the said outstanding debt, such debt incurred through
said new debentures to be repayable by instalments during a
10 period of fifteen years; and whereas the said corporation has
prayed that an Act be passed to empower the said corporation
to finally pass the said by-law without submitting the same to
the electors of the municipality for their assent; and whereas
it is expedient to grant the prayer of the said petition;
15 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The corporation of the county of Simcoe may, within Issue of new
debentures
authorized.
the year one thousand eight hundred and eighty-one, pass a by-
20 law authorizing the issue of debentures of the said county for
the sum of sixty-nine thousand dollars, for the purpose of re-
tiring or renewing the said debenture debt now outstanding
against said county, which matures on or about the thirty-first
day of December, one thousand eight hundred and eighty-one,
25 and such debentures to be issued, as aforesaid, under said by-
law, may be in such sums and for such amounts, and either in
Canadian or sterling currency, as said corporation may deem
best, the debt to be incurred thereby to be repayable by
instalments during a period of fifteen years: Provided always
30 that such by-law shall be in conformity to, and shall comply
with, the provisions of "The Municipal Act," and of the gen-
eral municipal law which may at the time be in force in this
Province, except that it shall not be necessary to obtain the
assent of the electors of the said municipality to the passing of
35 the said by-law as aforesaid, or of the Lieutenant-Governor in
Council, either under "The Municipal Act," or any other gen-
eral Act now or hereafter to be in force in this Province, or to
previously advertise the same under any of the said Acts; and
provided further, that subject as aforesaid, the said new deben-
40 tures so to be issued as aforesaid under said by-law and the
moneys arising therefrom shall, as far as necessary, be applied
to retire and redeem the said outstanding debentures so matur-
ing and becoming due as aforesaid, but nothing herein con-
tained shall be construed to mean that the purchasers or holders
45 of any of such new debentures shall be required to see to the
proper application of the moneys arising from the sale of such
new debentures. Proviso.

BILL.

An Act respecting the Debenture Debt of
the County of Simcoe.

First Reading,
, 1881.

(*PRIVATE BILL.*)

Mr. LONG.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Debt of the County
of Simcoe.

WHEREAS the corporation of the county of Simcoe has Preamble.

an outstanding debenture debt of sixty-nine thousand dollars which matures on or about the thirty-first day of December, one thousand eight hundred and eighty-one; and
5 whereas the said corporation propose to pass a by-law for the issue of new debentures of the said county for the said sum of sixty-nine thousand dollars, on which to raise money sufficient to repay the said outstanding debt, such debt incurred through said new debentures to be repayable by instalments during a
10 period of fifteen years; and whereas the said corporation has prayed that an Act be passed to empower the said corporation to finally pass the said by-law without submitting the same to the electors of the municipality for their assent; and whereas it is expedient to grant the prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

 1. It shall and may be lawful to and for the said corporation of the county of Simcoe to raise by way of loan upon
20 the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding sixty-nine thousand dollars of
25 the lawful money of Canada.

Debts consolidated at the sum of \$69,000.

Power to borrow.

2. It shall and may be lawful for the said corporation of the county of Simcoe to pass a by-law or by-laws authorizing the said loan of sixty-nine thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to
30 impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient
35 to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal when the same shall fall due of the said debentures last mentioned.

Authority to pass by-law for new debentures.

3. It shall not be necessary to obtain the assent of the electors of the said county to the passing of any by-law under
40 this Act, or to observe the formalities in relation thereto, prescribed by the Municipal Act.

Assent of electors to by-law not required.

Debentures
may be issued
to the amount
of \$39,000.

4. It shall and may be lawful for the municipal council of the said corporation of the county of Simcoe, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the warden and countersigned by the treasurer and clerk of the said county for the time being, for such sums not exceeding in the whole the said sum of sixty-nine thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly. 5 10

Debentures,
when and how
payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon, may be made payable, either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year for fifteen years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 15 20

Application
of proceeds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of sixty-nine thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the town of Barrie or elsewhere in this Province, or invested in government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt, or any part thereof, and not otherwise. 25 30 35

Outstanding
debentures
may be called
in.

7. The treasurer of the said county shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures. 40 45

By-law not to
be repealed
until debt
satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by law and the interest thereon shall be paid and satisfied.

Investment of
sinking fund.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said county for the time being, to invest

from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest payable in respect of
 5 the said debentures to be issued in pursuance of this Act for the then current year, in either the bank or government securities mentioned in the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such
 10 moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said last-mentioned debentures, or the said outstanding debentures, or any part thereof, and to apply the residue of such moneys from time to time, to the payment of
 15 the interest on the said debentures, and not otherwise, nor for any other purpose whatever. Payment of interest.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall
 20 not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or
 25 be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. Inconsistent provisions of Municipal Acts not to apply.
Irregularity not to render by-law or debentures invalid.

11. Nothing in this Act contained, shall be held or taken to discharge the corporation of the county of Simcoe from any indebtedness or liability which may not be included in the said
 30 debt of sixty-nine thousand dollars.  Liability of corporation not discharged.

No. 19.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Debenture Debt of
the County of Simcoe.

(Reprinted as Amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. LONG.

TORONTO:

PRINTED BY C. BLACKETT HOBINSON.

An Act consolidating and amending the Acts relating
to the Credit Valley Railway Company.

WHEREAS it has been found expedient to revise, consoli- Preamble.
date and amend the Acts relating to the Credit Valley
Railway Company;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

PART I.

1. George Laidlaw, C. J. Campbell, Frank Shanly, John Incorporation.
Burns, H. P. Dwight, J. S. McMurray, Robert Hay, H. L.
Hime, and W. H. Beatty, together with such persons and cor-
porations as shall, in pursuance of this Act, become shareho'ders
of the said company hereby incorporated, are hereby consti-
tuted and declared to be a body corporate and politic, by the Name of com-
pany.
name of "The Credit Valley Railway Company." (34 V. c. 33,
s. 1.)

2. The several clauses of the Railway Act of Ontario, Certain clauses
and amendments, with respect to the first, second, third, of the Railway
fourth, fifth and sixth clauses thereof, and also (the several Act to apply.
clauses thereof, with respect to "interpretation," "incorpora-
tion," "powers," "plans and surveys," "lands and their
valuation," "highways and bridges," "fences," "tolls," "general
meetings," "president and directors, their election and duties,"
"calls," "shares and their transfer," "municipalities," "share-
holders," "actions for indemnity, and fines and penalties,
and their prosecution," "by-laws, notices, &c.," "working
of the railway," and "general provisions," shall be incor-
porated with and be deemed to be a part of this Act, and shall
apply to the said company and to the railway to be constructed
by them, except only so far as they may be inconsistent with
the express enactments hereof; and the expression "this Act," Interpretation
when used herein, shall be understood to include the clauses of of the words
the said Railway Act so incorporated with this Act. (*Ib.* s. 2.) "this Act."

3. The said company shall have full power, under this Act, Location of
to construct a railway from any point in or near the city of line.
Toronto, crossing the Humber at or near the village of Lamb-
ton, to a point at or near the village of Streetsville; thence
through the town of Milton to the towns of Galt, Berlin or
Waterloo; with power to extend the same from the town of
Galt through the village of Ayr and the town of Woodstock,
to any point in or near the town of St. Thomas, with power
also to build a branch from any point at or near Streetsville

through Brampton to a point in or near the village of Orangeville; and also to build a branch from any point on the line of the said railway, at or near Bellfountain, to the village of Fergus, Elora or Salem. (34 V. c. 38, s. 3, and 35 V. c. 47, s. 1, and 36 V. c. 80, s. 1.).

5

Gauge of railway. 4. The gauge of the said railway shall not be less than three feet six inches. (34 V. c. 38, s. 4.)

Form of conveyances to company. 5. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set out in the Schedule "A" hereunder written, or the like effect, 10 shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry 15 Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. (*Ib.* s. 5.)

How to be registered.

Registration fees.

Capital stock of company. 6. The capital of the company hereby incorporated shall be 20 five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall, 25 unless made or issued as or declared to be paid up stock, be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remain- 30 der of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay 35 out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock. (34 V. c. 38, s. 8, and 37 V. c. 42, s. 7.) 40

Application of the money raised on the stock.

Ten per cent. to be paid on subscriptions for shares. 7. On the subscription for shares of the said capital stock, not made or issued as or declared to be paid up stock, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered 45 bank to the credit of the said company. (34 V. c. 38, s. 9.)

Future calls. 8. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at one time of more than ten per centum of the amount subscribed by each subscriber. (*Ib.* s. 10.) 50

General meeting for election of directors. 9. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company, shall have been subscribed, and ten per centum thereof paid into some chartered

bank, having an office in the city of Toronto (which shall on no account be withdrawn therefrom, unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up 5 ten per centum thereof, for the purpose of electing directors of the said company. (Ib. s. 11.)

10 10. The general annual meeting of the shareholders of the said company shall be held in such place, in the city of Toronto, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the city of Toronto. (Ib. s. 14.)

Annual meeting, when and where to be held.

15 11. Special general meetings of the shareholders of the said company may be held at such places, in the city or Toronto, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company. (Ib. s. 15.)

Special general meetings.

20 12. Every shareholder of one or more shares of the said capital stock, whether made or issued as or declared to be paid up stock or not, shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. (Ib. s. 16.)

Scale of votes.
Only shareholders who have paid up to vote.

30 13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, nor, unless he has paid up all calls due and made thereon. (Ib. s. 17.)

Qualification of directors.

35 14. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. (Ib. s. 18.)

Quorum of directors.

40 15. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in 50 the Municipal Act for the creation of debts. (Ib. s. 19.)

Municipalities may aid the railway.

16. And whereas doubts have arisen as to the meaning of the next preceding section of this Act, being section nineteen

Construction of 34 V., c. 38 s. 19, as to

bonuses granted by municipalities.

of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered thirty-eight, and it is expedient to explain the same; now, therefore, it is hereby enacted and declared that it was and is the intent and meaning of the said Act, that aid and assistance, by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds for the purpose and in the manner set out in the said Act, may and might be given to the same company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid, be the metes and bounds of townships, or be so defined as to comprise a township or townships, and portions of townships, or only portions of townships; and in case of a portion of a township municipality granting such aid, then that the debentures to be issued should and shall be those of such township municipality; and in case of portions of a county municipality as aforesaid, that such debentures should and shall be those of the county municipality; and that the proper council may under the said section of their own motion, and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality, to be affected thereby. (35 V., c. 47, s. 5.)

Municipalities to submit by-laws for aid on being petitioned;

17. In case fifty persons, at least, rated on the last revised assessment roll as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired; and do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in such petition expressing the desire of the said petitioners to aid in the construction of the

said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the portion of the municipality defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion, (Ib. s. 6.)

- 10 (1) For raising the amount so petitioned for by such free- For issuing debentures, holders, or such reeves and deputy-reeves, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

- (2) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively (34 V. c. 38, s. 20); and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters; and the twentieth section of the said Act, chapter thirty-eight, is to be read as modified by the foregoing provisions of this Act (35 V. c. 47, s. 6): Pro- Proviso. vided that in case aid has been, or may hereafter be granted, under the provisions of this section, to the said company, it shall be competent for three hundred persons in any city and fifty persons in any other municipality, rated and qualified as aforesaid, to present another petition praying for additional aid, and all the provisions of this section shall apply to such supplementary petition; and in case a by-law, submitted to the vote of the qualified voters under this section, be approved or carried by the majority of the votes given thereon, then the provisions of this Act, so far as applicable, shall apply thereto: Provided that before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality, Proviso. a sum sufficient to pay the expenses incurred in the submission and voting upon such by-law aforesaid, which said sum, in the event of the by-law having been approved of, shall be refunded to the said company, but not otherwise; and provided further Proviso. that where aid has already been granted to the said railway company by a portion of a municipality or by a group of municipalities or of portions of municipalities under what is known as the "grouping clauses" this Act shall not be construed to authorize a supplementary petition to be presented praying for further aid by such portion or group; (40 V. c. 77, s. 2.)

- 55 (3) In case a by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same (34 V. c. 38, s. 21); and If by-law carried by rate-payers, the council to pass the by-law,

And issue debentures.

within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. (36, s. 22.) 5

How rate to be levied.

18. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality. (*Ib.* s. 23.) 10

Provisions of the Municipal Acts to apply to the by-laws.

19. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality. (*Ib.* s. 24). 15

By-laws to be valid though the annual rate exceeds two cents in the dollar.

20. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the rateable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. (*Ib.* s. 25.) 20

Municipalities through which the railway passes may exempt the railway from taxation.

21. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation, or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. (*Ib.* s. 26.) 25 30

Certain municipalities may appoint directors.

22. The council of any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, whether by way of exchange of their own debentures for the debentures of the said company, or otherwise, shall be entitled to name a director in the said company as the representative of that municipality: Provided always, that such director shall be a *bona fide* taxpayer, and resident within said municipality which grants the bonus in aid of said company; and such director shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents (41 V. c. 44 s. 3), but no such directors shall in any way be responsible or liable for, or in respect of the stock, bonds, bills, notes, and credits of the said company, but the exclusive right to control, and deal with the stock, bonds, bills, notes, and credits of the said company, shall belong to and rest with the directors elected by the shareholders: but nothing in this section shall be construed as impairing in any degree the supervision of the municipal directors over the expenditure of the money raised for the construc- 35 40 45 50

Proviso.

tion and running of the railway, and the determination of passenger rates and rates of freight. (37 V. c. 42, s. 6).

23. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely: the Honourable John McMurich, Peleg Howland, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council, shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council. (34 V. c. 38, s. 28.)

Appointment of trustees.

Proviso.

24. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company. (*Ib.* s. 29.)

Vacancies in the office of trustees.

25. The act of any two such trustees shall be as valid and binding as if the three had agreed. (*Ib.* 36 s. 30.)

Act of two trustees to be binding.

26. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the city of Toronto in the name of "The Credit Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer, shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court. (*Ib.* s. 31.)

Trusts upon which the debentures are held.

27. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council. (*Ib.* s. 35.)

Counties may take the debentures of townships.

Issue of bonds.

28. The said railway company are hereby empowered to issue bonds or debentures upon the actual mileage from their terminus in the city of Toronto to the town of St. Thomas on the main line, and from Streetsville to Orangeville and Elora on the branch lines, at the rate of twelve thousand dollars per mile, such bonds to be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. (*Ib.* s. 36.)

Rights of holders of bonds at annual meeting when interest is unpaid.

Proviso.

Securities to be payable to bearer.

29. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. (*Ib.* s. 37.)

Company may make promissory notes, etc.

30. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note, or bill of exchange, made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, shall be binding on the said company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for any note or bill made, indorsed, or accepted, *bona fide*, wholly in relation to the business of the company: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. (34 V., c. 38, s. 38.)

Proviso.

Powers as to lands.

31. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which

the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient, freed and discharged from the lien of the bondholders. (34 V., c. 38, s. 38.)

10 **32.** The fortieth section of the Act passed in the thirty-
eighth year of the reign of Her Majesty Queen Victoria, chap-
tered thirty-eight, is hereby repealed, and the following sub-
stituted therefor: The railway shall be completed within
twelve years after the passing of this Act, or else the charter
shall be forfeited.

38 Vic., c. 38,
s. 40 repealed
and new
section substi-
tuted.

15 **33.** The said railway company shall at all times receive and
carry cordwood, or any wood or fuel, at a rate not to exceed,
for dry wood two and a half cents per mile per cord from all
stations exceeding fifty miles, and a rate not exceeding three
cents per cord per mile from all stations under fifty miles, in full
20 car loads, and for green wood at the rate of two and a half
cents per ton per mile; the company shall further at all times
furnish every facility necessary for the free and unrestrained
traffic in cordwood, to as large an extent as in the case of other
freight carried over the said railway, and shall provide as much
25 ground for the storage and piling of cordwood, free of charge,
at every station, excepting Toronto, as shall be deemed by the
council of the Board of Trade of Toronto, sufficient for the
trade in cordwood from each respective station. (35 V., c. 47,
s. 8.)

Sec. 41 amend
ed.

Regulations as
to cordwood.

30 **34.** Cordwood or wood for fuel, cut and piled before the first
day of March in any year, shall be deemed, for the purposes
of this Act, dry wood by the first of October following, and
not before. (36 V., c. 80, s. 3.)

What shall be
deemed dry
wood.

35 **35.** It shall be lawful for any municipality through which
the said railway passes, to pass a by-law or by-laws empowering
the said company to lay their rails along any of the highways
within such municipality (35 Vic., c. 47, s. 3), and indem-
nify the said company against any loss, harm, or damage which
may happen, or from any claims which may arise in conse-
40 quence of their grading, using, or occupying the said high-
ways (37 V., c. 42, s. 4), and whether or not the same be
in the possession or control of any joint stock road company,
and if such highway be either in the possession or control of
any joint stock or other road company, then with the assent of
45 such company. (35 V., c. 47, s. 3.)

Power to lay
rails along
highways.

36. It shall be lawful for the said company to enter into
and perform any such agreements, as they may from time
to time deem expedient, with any municipality, corporation or
person, for the construction or for the maintenance and repair
50 of gravel or other public roads leading to said railroad; and all
agreements hereinbefore made in this behalf are declared to be
valid and binding on the company. (*Ib.* s. 4.)

Repair of
roads.

Foreign
through
freight.

37. It shall not be lawful for the company to carry foreign through freight in the company's cars for a less rate than the tariff rates for similar local traffic; but nevertheless the company may draw or permit to be drawn over their railway, the rolling stock and freight of other companies, on such terms as may be agreed upon from time to time. (36 V. c. 80, s. 4.) 5

Certain agree-
ments legal-
ized.

38. All agreements and bonds entered into between the company and any municipality, conditioned upon such municipality (or section thereof) granting a bonus to the company, shall be binding on the company and the municipality. (36 V. c. 80, s. 8.) 10

Acquiring
lands for stone,
gravel, etc.

39. Where stone, gravel, or any other material, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, compensation, as to the service of the said notice, arbitration, deeds, payment of money into court, to the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. (*Ib.* s. 10.) 15 20 25 30

Sidings to
gravel pits.

40. When said gravel, stone or other materials, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act, and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. (*Ib.* s. 11.) 35 40 45

Power of attor-
ney to G. Laid-
law legalized.

41. The power of attorney granted to George Laidlaw, by the Credit Valley Railway Company, and dated the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, is hereby declared to be, and shall be good, valid and binding, subject always to revocation by the Board of Directors of the company. (37 V. c. 42, s. 1.) 50 55

42. The directors of the company elected by the shareholders may, with the sanction of the shareholders already given, or to be given, make, declare or issue as paid-up stock, stock in the said company, whether now subscribed for or not, and may
 5 allot and hand over stock as paid-up stock, and the mortgage bonds of the company in payment of rights of way, plant, rolling stock, or materials of any kind, and also for the services of contractors, engineers, and other persons, whether directors or not, who may have been, are, or may be engaged in promot-
 10 ing the undertaking and interests of the company: Provided, that any allowance to directors shall have been made or confirmed by resolution of the shareholders, unanimously passed at a special general meeting, to be called in accordance with the provisions of the Act incorporating the said company. (*Ib.* s. 5.)
 15 Stock purporting to have been made, issued, allotted or handed over as paid up stock under the authority of this section, shall be deemed to be paid up stock, notwithstanding any irregularity in making, issuing, allotting or handing over the same.

Certain pay-
ments of the
company may
be made in
paid up stock.

43. And whereas the said company have, by the two resolu-
 20 tions set forth in the schedule hereto marked B and C respectively, cancelled, called in, and revoked their first issue of bonds as therein described, and have authorized the issue of new bonds in lieu thereof: Be it therefore enacted that the said resolutions are hereby declared to be legal, valid, and binding,
 25 for the purposes therein set forth. (40 V. c. 77, s. 3.)

Resolutions
confirmed.

44. If any of the bonds of the first issue in the said resolutions referred to, are not surrendered and cancelled as therein provided, the new issue thereby authorized shall abate to the amount not so surrendered and cancelled, so that the aggregate
 30 issue of bonds of both issues shall not exceed two millions one hundred thousand dollars, or at the rate of twelve thousand dollars per mile of railway. (*Ib.* s. 4.)

If bonds of
first issue not
cancelled, new
issue to abate
in proportion.

45. And whereas the said company have recently purchased and received a conveyance of a certain property situated in the
 35 township of York, in the county of York, which property has been and now is occupied as an hotel, and is known as "The Wilson House," be it enacted that the said company are hereby authorized and empowered to sell and convey the said property, free from any debenture, lien or charge; and the said
 40 property, when so sold and conveyed, shall be freed and discharged from any lien or charge created by any bond or debenture made or issued by the said company.

Sale of certain
property free
from any lien.

46. For the purpose of enabling the present bondholders of the said company to exchange the bonds now held by them
 45 for new bonds, the directors of the said company may, from time to time, make and issue new bonds to such an amount as may be necessary for such exchange, and of such denominations and payable at such time, and at such place or places, and bearing such rate of interest
 50 as to the said directors shall seem meet, and may deliver such new bonds to such bondholders as shall consent to make such exchange, and the said company shall cease to be liable upon the bonds so delivered in exchange to the said company: Provided always, that the powers herein contained

Exchange of
new bonds for
old.

Proviso.

shall not be exercised by the said directors until the said directors shall have been duly authorized by resolution or by-law passed at a general meeting of the shareholders of the said company, to exercise the said powers; nor until a notice of the time and place of holding such meeting shall have been published, at least, two weeks in the *Ontario Gazette*, and in some newspaper published in the city of Toronto, for the same period: Provided, further, that the powers hereby granted shall only be exercised once: Provided, further, that in no case shall the total bond issue of the said company exceed twelve thousand dollars per mile of railway.

47. The by-laws passed by the city of Toronto, and by the counties of Halton, Peel, Oxford, Waterloo and Wellington, and by the township of Nassagaweya and Farmouth, and by portions of the townships of Nelson, Esquesing, and Trafalgar, and by the towns of Orangeville and Ingersoll, and by the villages of Fergus and Elora, granting aid to the said company, and all debentures issued, or that may hereafter be issued under the same, are hereby made legal, valid and binding.

PART II.

48. The said company may, with the consent of a majority of two-thirds in value of the shareholders thereof, represented at a meeting specially called for that purpose, make and issue new consolidated bonds or debenture stock for an amount not exceeding twenty thousand dollars per mile upon the actual mileage from their terminus in Toronto to the town of St. Thomas, on the main line, and from Streetsville to Orangeville and Elora, on the branch line, payable at such time and place, and bearing such rate of interest as the company may determine; and such new bonds or stock shall, without registration or formal conveyance, be the first preferential claim, lien or charge upon the undertaking and the property of the company, real or personal, and then existing or at any time thereafter acquired; and each holder of the said bonds or stock shall be deemed to be mortgagees and incumbrancers *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the company in priority to all other charges and incumbrances: Provided that the powers conferred by this section to issue the said new bonds or debenture stock are not to be exercised until two-thirds in value of the existing bondholders, represented at a special meeting called for the purpose, have agreed to accept the said new bonds or debenture stock in exchange and substitution for the bonds now held by them.

49. Provided two-thirds in value of the existing bondholders and two-thirds in value of the shareholders, represented at a meeting, or meetings, specially called for that purpose, agree thereto, the said company shall call in and cancel all their outstanding bonds heretofore issued, and shall issue to each person holding any of the said bonds now outstanding new bonds or debenture stock to an amount sufficient to equal the face value of the bonds so held by them.

50. On the issue by the company of the said bonds or debenture stock under this Act, all bonds heretofore issued by the said company and outstanding shall be called in and cancelled, and the said bonds so called in shall no longer form any lien or charge on the said company, or be of any force or effect, and in the event of the said existing bondholders failing to deliver up the bonds held by them, the said company shall issue a sufficient amount of bonds or debenture stock under this Act to meet the said bonds not so delivered up to be cancelled.

Old bonds to be cancelled when new issue of bonds or debenture stock made.

51. On the issue of the said bonds or debenture stock as provided by this Act, all powers heretofore existing to issue bonds under any former Act shall terminate and cease.

Issue of new bonds or stock to terminate existing powers as to bonds.

52. The bonds which may be issued under this Act shall be under the seal of the company and shall be signed by the president or vice-president of the company, and countersigned by the secretary, and may be issued, payable to bearer, either in sterling or in currency of Canada, at such place or places in Canada, or Great Britain, as may be deemed advisable, and shall be transferable by delivery, and the holder of any bond made payable to bearer may sue thereon in his own name.

Provisions as to bonds.

53. The said debenture stock may be made either perpetual or terminable, and may be made, executed and issued in such form as the said company, with the consent aforesaid, may determine.

Debenture stock may be made perpetual or terminable.

54. In the event, at any time, of the interest upon the said new bonds or debenture stock remaining owing and unpaid, then at the next ensuing general annual meeting of the company all holders of said new bonds or debenture stock shall have the same rights as the holders of the old bonds have or had under the thirty-sixth section of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered thirty-eight.

Rights of bondholders and debenture stockholders if interest not paid.

55. The company may sell, hypothecate or pledge the bonds or debenture stock to be issued hereunder, and not exchanged for existing bonds or reserved for such exchange, and may apply or use the proceeds for the benefit of the said company as they shall see fit; the special meetings herein referred to shall be advertised once a week in some daily newspaper published in Toronto and in the *Ontario Gazette* for four consecutive weeks, immediately preceding the week in which such meetings are held, and the object of the meeting shall be clearly stated therein.

Company may sell or pledge bonds and debenture stock.

56. At any such meeting any bondholder or shareholder may act or vote in person or by proxy; each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him.

Bondholders and shareholders may vote in person or by proxy.

57. In case at any such meeting it be resolved by a vote of two-thirds, or more, in value of the bondholders and shareholders there present, or represented, that the existing bonds shall be exchanged for new bonds or debenture stock, (either

A vote of two-thirds in value to bind all bondholders.

perpetual or terminable), under the provisions of this Act, such resolution shall be binding on all bondholders and shareholders, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of existing bonds or shares.

5

Rights of
bondholders.

Liability of
company.

Interest not to
be included.

Assessment by
two-thirds of
shareholders
and bond-
holders to bind
the rest.

Acceptance of
new bonds or
stock by two-
thirds to bind
the rest.

Company to
have all neces-
sary powers.

"Working
expenses" de-
fined.

58. After the passing of any such resolution, the only right of the holders of existing bonds, in respect of principal or interest, shall be to exchange their bonds for new bonds or debenture stock, and the only liability of the company shall be to make such exchange; but no bondholder shall, if two-thirds of the said bondholders shall so determine, be entitled to anything in respect of arrears of interest or accruing interest on his bonds and the unpaid interest coupons shall, in that case, be given up to the company on the said exchange.

59. In case without any such meeting as is hereinbefore provided for, two-thirds or more in value of the shareholders and bondholders shall, by a memorandum in writing under their hands, agree with each other and with the company that the bonds shall be exchanged for new bonds or debenture stock, such agreement shall be binding on all the shareholders and bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any share or bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are herein provided in case of a resolution for such exchange.

60. In case without any such meeting, and without any agreement by memorandum in writing, of the shareholders and bondholders such as is hereinbefore provided for, two-thirds or more in value of the bondholders shall, with the written consent of two-thirds of the shareholders, exchange bonds held by them for new bonds or debenture stock, such exchange shall be binding on all the shareholders and bondholders whether the bondholders have made such exchange or not, and whether dissenting or not and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange.

61. The company shall have in the cases mentioned and provided for in the next two preceding sections, all powers necessary for the making, issue and exchange of the said new bonds and debenture stock, and for carrying out the objects of this Act in relation thereto, and may make, prior to the issue of such new bonds or stock, such rules and provisions for the registration and transfer thereof, as to them may seem expedient.

62. The expression "working expenses" wherever used in relation to the said railway, shall be construed to mean and include all expenses of maintenance and renewal of the railway, and of all the stations, buildings, works and conveniences belonging thereto, and of the rolling stock used in the working thereof, and also all such rents or annual or other sums as may be payable in respect of crossings, warehouses, wharves, tracks,

yards, and stations or other property leased to or held or used by the company, or in respect to the hire of engines, carriages or cartage waggons let to or contracted for by the company, and also all expenses of and ordinarily incident to the working of
 5 railways and the traffic thereon; stores and consumable articles; also rates, taxes, rebates and insurance; also all salaries and wages of persons employed in and about the working of the railway and traffic thereon; also shop, office and station, furniture and fittings, and all secretarial and establishment expenses,
 10 including agency, legal, legislative, arbitration, and other like expenses, and generally all such charges (if any) not above otherwise specified, as in the case of English and Canadian railway companies are usually carried to the debit of revenue, as distinguished from capital account.

15 **63.** Part one of this Act shall not be held to operate as new law, but shall be construed and have effect as a consolidation, and as declaratory of the law as contained in the consolidated Acts. Part 1 of Act
declaratory of
the law.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of _____ dollars paid to me (or us) by the Credit Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said the Credit Valley Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], And I (or we) the wife (*or wives*) of the said _____ do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered } [L.S.]
 in the presence of }

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The Credit Valley Railway
 Company's Office,
 Engineer's Department,
 A.D. 18 .

No.

Certificate to be attached to cheques drawn on the Credit Valley Railway Municipal Trust Account, and given under section _____ of cap. _____

I, _____ Chief Engineer for the Credit Valley Railway, do hereby certify that there has been expended in the construction of Mile No. _____ (the said mileage being numbered, consecutively from the boundary of the City of Toronto) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

SCHEDULE "C."

I. Whereas the directors of the Credit Valley Railway company were authorized by the shareholders of the said company to make and issue bonds of the said company, to the amount of two millions one hundred thousand dollars, being at the rate of twelve thousand dollars per mile, for one hundred and seventy-five miles of railway, said bonds being payable five years from the first day of January, one thousand eight hundred and seventy-four, and bearing interest at the rate of eight per cent. per annum;

And whereas, said directors have in pursuance of the said authority made and issued a portion of the issue so authorized, and they have for the purposes of the undertaking, hypothecated and otherwise disposed of certain of the bonds so made.

And whereas, it is desirable to call in, cancel and revoke all of the bonds so made, issued or delivered as aforesaid, and to make and issue other bonds in lieu thereof, payable ten years from the first day of January, one thousand eight hundred and seventy-seven, and bearing interest at the rate of seven per cent. per annum;

And whereas, all of the parties holding the said bonds, either by way of hypothecation or otherwise, have, with certain few trifling exceptions, surrendered or agreed to surrender the same to the said company for cancellation, and have agreed to accept in lieu thereof other bonds of the same face value, payable ten years from the first day of January, one thousand eight hundred and seventy-seven, and bearing interest at the rate of seven per cent. per annum;

Be it therefore resolved, that all bonds of the said company so made or issued as aforesaid or authorized to be made and issued, and which bonds are payable five years from the first day of January, one thousand eight hundred and seventy-four, and bear interest at the rate of eight per cent. per annum, be and the same are hereby revoked and cancelled, and the president of the said company is hereby authorized and required to write or cause to be written across the face of each of the said bonds the following words: "Cancelled by resolution of special general meeting, this sixth day of January, one thousand eight hundred and seventy-seven," and is also authorized and required to sign such cancellations, and to affix thereto the seal of the said company.

And be it further resolved, that nothing in this resolution shall be deemed to affect any bond not surrendered and indorsed as cancelled as aforesaid by the president of the said company within six months from the date hereof.

SCHEDULE "D."

II. Whereas this meeting of shareholders of the Credit Valley Railway Company is a special general meeting, called for the purpose of obtaining the sanction of the shareholders to the issue of bonds, in pursuance of the provisions of the Act relating to the said company, therefore the sanction of the shareholders of the said company be and the same is hereby given to the issue by the directors of the said company, of the bonds of the said company made and signed by the president or vice-president, and countersigned by the secretary and treasurer, and under the seal of the company for the purpose of raising money to prosecute the undertaking; that such bonds be issued in such manner, at such times, for such amounts, at such rate of interest not exceeding seven per cent. per annum; and payable at such time or times, place or places, and in such manner as the directors may deem fit; the total amount of such bonds, however, not to exceed the sum of twelve thousand dollars per mile for one hundred and seventy-five miles of railway.

BILL.

An Act consolidating and amending the
Acts relating to the Credit Valley Rail-
way Company.

First Reading,	1881.
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(*PRIVATE BILL.*)

Mr. WELLS.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Acts relating to the Credit Valley Railway Company.

WHEREAS it has been found expedient to amend the Acts relating to the Credit Valley Railway Company, and to enable the said company to make a new issue of bonds or debenture stock, and to provide for the adjustment of the floating debt of the said company:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company may, with the consent of a majority of two-thirds in value of the shareholders thereof, represented at a meeting specially called for that purpose, make and issue new consolidated bonds or debenture stock for an amount not exceeding twenty thousand dollars per mile upon the actual mileage from their terminus in Toronto to the town of St. Thomas, on the main line, and from Streetsville to Orangeville and Elora, on the branch line, payable at such time and place, and bearing such rate of interest as the company may determine; and such new bonds or stock shall, without registration or conveyance, be the first preferential claim, lien or charge upon the undertaking and the property of the company, real and personal, and then existing or at any time thereafter acquired; and each holder of the said bonds or stock shall be deemed to be mortgagees and incumbrancers *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the company in priority to all other charges and incumbrances: Provided that the powers conferred by this section to issue the said new bonds or debenture stock are not to be exercised until two-thirds in value of the existing bondholders, represented at a special meeting called for the purpose, have agreed to the issue of the said bonds, and to accept new bonds or debenture stock to be issued in exchange and substitution for the bonds now held by them.

Issue of new consolidated bonds and debenture stock authorized.

Provided.

2. The said company may secure such bonds and interest by the execution of a mortgage deed to a trustee or trustees upon the undertaking and property of the company, real and personal, then existing or at any time thereafter acquired.

Bonds may be secured by a mortgage.

3. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any mortgage deed executed under the provisions of this Act, that such deed should be registered in any

Registration of mortgage not required, but copy to be filed with Provincial Secretary.

manner, or in any place whatever; but a duplicate of every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given in the *Ontario Gazette*. 

When company to call in outstanding bonds.

4. Provided two-thirds in value of the existing bond- 5
holders and two-thirds in value of the shareholders, represented
at a meeting, or meetings, specially called for that purpose,
agree thereto, the said company shall call in and cancel all
their outstanding bonds heretofore issued, and shall issue to
each person holding any of the said bonds now outstanding 10
new bonds or debenture stock to an amount sufficient to equal
the face value of the bonds so held by them,  such new bonds
or debenture stock to be dated on the first day of April one
thousand eight hundred and eighty one and to bear interest
from that date.  15

Old bonds to be cancelled when new issue of bonds or debenture stock made.

5. On the issue by the company of the said bonds or
debenture stock under this Act, all bonds heretofore issued by
the said company and outstanding shall be called in and can-
celled, and the said bonds so called in shall no longer form any
lien or charge on the said company, or be of any force or effect, 20
and in the event of the said existing bondholders failing to
deliver up the bonds held by them, the said company shall
issue *and reserve* a sufficient amount of bonds or debenture stock
under this Act to meet the said bonds not so delivered up to be
cancelled. 25

Issue of new bonds or stock to terminate existing powers as to bonds.

6. On the issue of the said bonds or debenture stock as
provided by this Act, all powers heretofore existing to issue
bonds under any former Act shall terminate and cease.

Provisions as to bonds.

7. The bonds which may be issued under this Act shall be
under the seal of the company and shall be signed by the 30
president or vice-president of the company, and countersigned
by the secretary, and may be issued, payable to bearer, either
in sterling or in currency of Canada, at such place or places in
Canada, or Great Britain, as may be deemed advisable, and
shall be transferable by delivery, and the holder of any bond 35
made payable to bearer may sue thereon in his own name.

Debenture stock may be made perpetual or terminable.

8. The said debenture stock may be made either perpetual
or terminable, and may be made, executed and issued in such
form as the said company, with the consent aforesaid, may
determine. 40

Rights of bondholders and debenture stockholders if interest not paid.

9. In the event, at any time, of the interest upon the said
new bonds or debenture stock remaining owing and unpaid,
then at the next ensuing general annual meeting of the com-
pany *and at all subsequent meetings, so long as the said interest*
shall remain unpaid, all holders of said new bonds or debenture 45
stock shall have the same rights as the holders of the *now existing*
bonds have or had under the thirty-sixth section of the Act pass-
ed in the thirty-fourth year of the reign of Her Majesty Queen
Victoria, chaptered thirty-eight.

Power to pledge bonds.

 10. The company may sell, hypothecate or pledge the bonds 50
or debenture stock to be issued hereunder, and not exchanged
for existing bonds or reserved for such exchange, and may

apply and use the proceeds for the benefit of the said company as they shall see fit: Provided that of the said new bonds or debenture stock, an amount to the face value of six hundred thousand dollars, or that proportion of the proceeds of the whole issue when sold by the company, shall be deposited with the firm of Morton, Rose and Company, of the city of London, England, and such firm or their agents in the city of Toronto, shall receive and hold the proceeds thereof for the payment of the debts (other than the bonded debt) of the company, such bonds or debenture stock, or such proceeds so held by the said Morton, Rose and Company, or their agents, in the city of Toronto, shall be paid out on the order of Kenneth Chisholm, of the town of Brampton, and Valancey E. Fuller, of the city of Hamilton, Esquires, who are creditors of the said company, and who are hereby appointed creditors' trustees, and such proceeds shall be applied by such creditors' trustees:

Firstly—In payment of the remuneration and expenses of the said trustees, not exceeding as to remuneration one-half of one per cent. of the proceeds of the said bonds;

Secondly—In payment of all moneys necessary to be paid for the discharge of the receiver appointed by the Court of Chancery, in the suit therein of Lee against the said company;

Thirdly—In payment of all claims for right of way, including all expenses incurred by any person on behalf of the company, in protecting the right of way parcels from lien, sales, or other legal proceedings affecting the same, and for the purchase and acquirement, at such prices as may be agreed upon by the said company, and the said trustees, and the respective owners of such of the parcels of land forming part of the said railway of the said company, which have heretofore been sold under decrees to enforce the vendors' liens against such lands, and in case of difference, the amount payable therefor shall be determined by arbitration, under the provisions of the Railway Act of Ontario, respecting lands and their valuation, and in payment of other preferred debts of the said company;

Fourthly—In payment *pro rata* to creditors who elect to come in and accept the provisions of this Act of the other debts of the said company; and,

Lastly—Any residue shall be paid to the said company, and the said creditors of the said company who elect to come in and accept the provisions of this Act, and whose claims are provided for under the fourth clause of the said trust, and each of them, in respect of their several and respective debts, and who from the security hereby provided, or from any source other than from securities now held by them respectively, receive not less than fifty per centum of the respective claims, shall have no further or other right or claim against the said company, and all and every of the respective debts and claims of the said creditors, and each of them, shall thereupon be barred and discharged as against the said company, and the only right of the said creditors, and every of them, shall be against the said bonds or debenture stock so deposited as aforesaid, or the proceeds arising from the sale thereof, and in case the amount distributable under the fourth clause of the said trust, does not pay the said creditors fifty per centum of their respective claims, to have paid to them sufficient to make up such percentage, saving always the respective rights of the said creditors against any surety or sureties, or against any collateral or other security for their said several debts: And provided that

the said company, with the consent and approval of the said trustees, shall have the right to compromise or settle the amount of any lien holder's or other creditor's claim not already fixed and determined, and the said trustees may allow claims as duly proved, at the amounts allowed in the said suit of Lee against the said company or may accept proof thereof by statutory declaration: And provided that in cases where, either from inability to settle the amount payable, or if from any other cause claims remain in such a position that they cannot speedily be paid or closed, the said trustees shall not, on that account, delay the distribution of the said fund, but they shall reserve a sufficient amount in their discretion to meet such claims, and they shall not be liable to such claimants beyond the respective amounts so reserved, and the said trustees may pay into the Court of chancery, under the Trustee Relief Act, any such sums, according to the practice of the said court: And, provided that the said company shall not sell the bonds or debenture stock so deposited for less than seventy per cent. of the face value thereof, deducting brokerage, without the consent in writing of the said trustees: Provided that, in case the said trustees shall differ in opinion in any matter relating to the said trust or its execution, the matter in difference shall be referred to Peleg Howland, Esquire, of the city of Toronto, whose decision in every such matter of difference shall be final: Provided always, that the purchaser, or purchasers, of the said bonds or debenture stock shall not be responsible for the application by the company, or any person, of such moneys, nor as to the execution of the said trusts. 

Notice of meetings.

11. *All meetings in this Act* referred to shall be advertised once a week in some daily newspaper published in Toronto, and in the *Ontario Gazette* for four consecutive weeks, immediately preceding the week in which such meetings are held, and the object of the meeting shall be clearly stated therein, and at any such meeting any bondholder or shareholder may act or vote in person or by proxy; each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him.

A vote of two-thirds in value to bind all bondholders.

12. In case at any such meeting it be resolved by a vote of two-thirds, or more, in value of the bondholders and shareholders there present, or represented, that the existing bonds shall be exchanged for new bonds or debenture stock, (either perpetual or terminable), under the provisions of this Act, such resolution shall be binding on all bondholders and shareholders, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of existing bonds or shares.

Rights of bondholders.

Liability of company.

Interest not to be included.

13. After the passing of any such resolution, the only right of the holders of existing bonds, in respect of principal or interest, shall be to exchange their bonds for the bonds or debenture stock, *authorized by this Act* and the only liability of the company shall be to make such exchange; and no bondholder shall, if two-thirds of the said bondholders shall so determine, be entitled to anything in respect of arrears of interest or accruing interest up to the thirty-first of March, in the year one thousand eight hundred and eighty-one on his bonds, and the unpaid interest coupons shall, in that case, be given up to and be cancelled by the company on the said exchange.

14. In case, without any such meeting as is hereinbefore provided for, two-thirds or more in value of the shareholders and bondholders shall, by a memorandum in writing under their hands, agree with each other and with the company that the bonds shall be exchanged for new bonds or debenture stock, and that the unpaid interest coupons and interest up to the thirty-first day of March, one thousand eight hundred and eighty-one, shall be cancelled and discharged; such agreement shall be binding on all the shareholders and bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any share or bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are herein provided in case of a resolution for such exchange.

Agreement by two-thirds of shareholders and bondholders to bind the rest.

15. The company shall have in the case mentioned and provided for in the next preceding section, all powers necessary for the making, issue and exchange of the said new bonds and debenture stock, and for carrying out the objects of this Act in relation thereto, and may make, prior to the issue of such new bonds or stock, such rules and provisions for the registration and transfer thereof, as to them may seem expedient.

Company to have all necessary powers.

16. The power of attorney granted to George Laidlaw, by the said Company, dated the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, having been surrendered by him to the company, the object for which the same was given having been accomplished, is hereby revoked and cancelled, save as to all Acts heretofore lawfully done by him thereunder.

Power of attorney to G. Laidlaw revoked.

17. Section eighteen of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, is hereby repealed, and the following substituted therefor:—The number of directors hereafter to be elected by the shareholders shall not be less than seven, nor more than eleven, and such number shall be fixed from time to time by by-law, to be passed by the shareholders' directors, and any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

34 Vic., c. 38, s. 18, repealed. Number of directors.

18. Section six of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-two, is hereby repealed, and the following substituted therefor:—The council of any municipality which shall grant or has granted a bonus of not less than fifty thousand dollars in aid of the said company, whether by way of exchange of their own debentures for the debentures of the said company, or otherwise, shall be entitled to name a director in the said company as the representative of that municipality: Provided always, that such director shall be a *bona fide* taxpayer, and resident within said municipality which grants the bonus in aid of said company; and such director shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office

37 Vic., c. 42, s. 6, repealed.

Certain municipalities may appoint directors.

Proviso.

as director in the said company until his successor shall be appointed by the municipality which he represents, but no such directors shall in any way be responsible or liable for, or in respect of, the stock, bonds, bills, notes, *capital assets*, and credits of the said company, *and* the exclusive right to control, and deal with the stock, bonds, bills, notes, *capital assets*, and credits of the said company, shall belong to and rest with the directors elected by the shareholders:  Provided that the said municipal directors shall have no voice in the election of any shareholders' directors in case of a vacancy in the board to be filled by the directors:  Provided always that the municipal director for the town of Ingersoll shall, whenever the interest on the debentures of the said company to be received by the said town in exchange *for those now held by the said town*, under the provisions of this Act, shall be in arrear, and so long as the same continues in arrear, and so long as the said debentures are held by the said town, have all the powers of a director elected by the shareholders. 5 10 15

Time for completion.  19. The construction of the said railway shall be completed within three years after the passing of this Act. 20

Certain stock to be deemed paid up stock. 20. All shares in the capital stock of the said company purporting to have been made, issued, allotted or handed over as capital stock under the authority of section five of the Act passed in the thirty-seventh year of Her Majesty's reign chaptered forty-two, shall be deemed to be paid up stock notwithstanding any irregularity in making, issuing, allotting or handing over the same.  25

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to amend the Acts relating to the Credit Valley Railway Company.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. WELLS.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON

An Act to amend the Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

WHEREAS the Roman Catholic Episcopal Corporation for the diocese of Toronto, in Canada, hath, by its petition, set forth that doubts have arisen as to the power of the said corporation under the Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, intituled "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," to mortgage the lands held by the said corporation; and whereas the said corporation hath prayed that the said Act may be amended so as to remove said doubts, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Roman Catholic Episcopal Corporation for the diocese of Toronto, in Canada, shall have power to borrow moneys on mortgage security of the real estate of said corporation for the purpose of purchasing real estate, for any of the purposes of the said corporation, or for the purpose of erecting, finishing, or repairing any church, chapel, seminary, or clergyman's residence erected, or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation: Provided that such mortgages shall be executed by the same parties and in the same manner as required by the fifth section of the said Act respecting the execution of deeds and conveyances.

2. All moneys borrowed by and in the name of the said corporation, for which mortgages have been given on the real estate of the corporation in conformity with the requirements of the fifth section of the said Act, shall form a lien and are hereby created incumbrances on the lands covered by such mortgages, and the said the Roman Catholic Episcopal Corporation of the diocese of Toronto, in Canada, is hereby declared to be bound for the payment of the same, notwithstanding that, at the time of the execution of such mortgages the said corporation may have had no power to borrow money on mortgage, and this Act shall not be held to relieve or discharge the said corporation of or from any liability or claim now existing against the same.

3. The person, or persons, or corporations from whom such moneys shall be borrowed on the said mortgage security shall

Preamble.

Power to mortgage lands.

Proviso.

Existing mortgages confirmed.

Lenders not bound to see to application of purchase money.

not be obliged to see to the application of the said moneys or of any part thereof.

This Act to be
read with 8
Vic., c. 82.

4. This Act and the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, shall be read together and shall, with the amendments hereby made, form one Act so far as the said the Roman Catholic Episcopal Corporation of the diocese of Toronto, in Canada, is concerned. 5

BILL.

An Act to amend the Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

First Reading,	1881.
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(PRIVATE BILL.)

Mr. MORRIS.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

WHEREAS the Port Dover and Lake Huron Railway Company, the Stratford and Huron Railway Company, and the Georgian Bay and Wellington Railway Company, have, by their petition, prayed for an Act amalgamating their 5 companies into one company and corporation, and for the grant to such company and corporation of the powers and privileges hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the interpretation of this Act, unless the context shall require a different interpretation the words, "the company" shall mean the company hereby incorporated; the words 15 "the companies hereby amalgamated" shall mean the Port Dover and Lake Huron, the Stratford and Huron, and the Georgian Bay and Wellington Railway Companies, and the words "company hereby amalgamated" shall mean such one of the last named railway companies as the context may point 20 out.

2. From and after the passing of this Act, the shareholders of the companies hereby amalgamated, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company are declared to be a 25 body corporate and politic, under the name of the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

3. All the rights, claims, property, estate and effects of each of the companies hereby amalgamated, are hereby vested in 30 the company, subject to the provisions of this Act.

4. The assets of each company hereby amalgamated, notwithstanding they are vested in the company by this Act, shall continue liable to satisfy all liens and claims against that company hereby amalgamated which was originally liable 35 therefor or thereto, and shall be applied in such satisfaction, but no other assets of the company shall be applied, nor shall the assets of one company hereby amalgamated be so applied in satisfaction of any lien and claim against the other: Pro-

Proviso.

vided that all suits and proceedings to enforce any such lien or claim shall be brought and taken against the company; and all actions, suits and proceedings, by or against any company hereby amalgamated, and pending at the time of the passing of this Act, shall be continued by or against the company: Provided also, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls, or other property of any of the companies hereby amalgamated, or upon any part thereof, shall not be affected, save that they shall be subject to the provisions contained in this Act regarding the issue of bonds by the company. 5 10

Location of main line.

5. The company shall be and is hereby authorized and empowered to maintain and complete the lines of railway already constructed or in the course of construction by any of the companies hereby amalgamated, with all the works, stations, and equipments thereof; and to construct and maintain extensions of such lines of railway, with all necessary sidings, works, stations, and equipments thereof, from the town of Palmerston to the village of Wiarton and the town of Owen Sound, or either of 20 such places, and from the village of Wiarton to any point on the northerly boundary of the township of St. Edmund, in the county of Bruce; and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, to some point or points in the Great Manitoulin Island, and in any 25 island in Lake Huron, lying between the Great Manitoulin Island and the State of Michigan, and from the town of Durham to the town of Owen Sound, or to some other point or points on the Georgian Bay, or to a junction with the Toronto, Grey and Bruce Railway; and a branch from some 30 point in the line of railway between the town of Palmerston and the village of Wiarton to the town of Walkerton; and on all or any part or parts of the said line of railway to make, lay and maintain a single or double track.

Branch to Walkerton.

Gauge.

6. The said railway may be of any gauge. 35

Certain clauses of the Railway act to apply.

7. The several clauses of the Railway Act of Ontario, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," 40 "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and its rail- 45 way, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Board of Directors.

8. From and after the passing of this Act, until the first 50 election of directors thereunder, David Tisdale, Henry Parker, Gilbert Moore, Samuel Street Fuller, Thomas Jehu Clarke, Ephraim Cook, George Jackson, M.P., James McMullen, Robert T. Livingstone and John Jackson, shall be the directors, and constitute the board of directors. 55

9. The capital stock of the company shall be four hundred and eighty-three thousand two hundred and fifty dollars, being an amount equal to the combined capital stock of all the companies hereby amalgamated, divided into nine thousand
 5 six hundred and sixty-five shares of fifty dollars each, with power to increase the same in the manner provided, by the Railway Act of Ontario, and each holder of stock in either of the companies hereby amalgamated shall be a shareholder in the company to the amount of stock he held in either of the
 10 companies hereby amalgamated.

Capital of
the company
\$483,250.

10. The directors hereinbefore appointed shall, within six months from the time this Act shall take effect, call a general meeting of the shareholders of the company, for the purpose of electing directors of the company, and at such meeting each
 15 director hereinbefore appointed shall be eligible to be elected.

First meeting
for election
of directors.

11. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette*, at least two weeks previous to the day of meeting, and once
 20 a week in a daily newspaper published in Toronto during the two weeks preceding the week in which the meeting is to be held, and the meeting shall be held at such place, and on such day and hour, as the directors shall from time to time appoint and name in the notice calling the meeting.

Time and
place and
notice of
meeting.

12. At such general meeting the shareholders of the company, assembled with such proxies as may be present, shall choose seven persons to be the directors of the company, any four of whom shall form a quorum.

Election of
Directors.

13. No person shall be qualified to be elected as a director unless he be a shareholder, holding at least ten shares of stock in the company.

Qualification
of Directors.

14. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be
 35 eligible to office as directors in the company.

Rights of
aliens.

15. Conveyances of lands to the company, for the purposes of this Act, may be in the form set out in the schedule (schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner
 40 and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate indorsed on the duplicate thereof.

Form etc. of
Conveyances.

16. It shall be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the company shall pass or be situate, to aid and assist the company by loaning or guaranteeing or giving money by
 50

Powers of
municipalities
or portions
thereof to
grant aid.

way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, or any portion of any of them, shall think expedient, and the aid and assistance to be given to the company by any portion of a 5 county municipality, whether the metes and bounds of such portion of a county municipality, as set forth in the by-laws for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township, or townships and portions of townships, or only portions of townships; and in case 10 of a portion of a township municipality granting such aid, then the debentures to be issued should and shall be those of such township municipality, or in case of portions of a county municipality, as aforesaid, such debentures should and shall be those of the county municipality, and the proper council may, of 15 their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: Provided always that no such aid, loan, bonus or guarantee shall be given except after 20 the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Proviso.

Aid from a municipality on petition.

17. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be 25 qualified voters under the Municipal Act, do petition the council of such municipality, in such petition, expressing the desire of the said petitioners to aid in the construction of the said railway by giving a loan, guarantee or bonus to the company, and stating the amount which they so desire to grant and be as- 30 sessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters.

Aid from a portion of a municipality on petition.

18. In case aid is desired from any portion of a township municipality, if at least thirty of the persons who are quali- 35 fied voters, as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the con- 40 struction of the said railway, by granting a bonus, loan or guarantee to the company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality, shall within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the 45 qualified voters.

Aid from a county or a portion thereof on petition.

19. In case aid is desired from any county municipality or any portion of a county municipality, upon the petition of at least fifty persons who are qualified voters, as aforesaid, within such county municipality or portions of the county, as the case 50 may be, or upon a petition of the majority of the reeves and deputy-reeves of such county municipality, as reside in the said portion from which aid is desired, and in the case of a portion of the county, do, in such petition, define the municipality or municipalities within such county municipality, and the metes 55 and bounds of the portion or portions of the municipality

forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus, loan or guarantee to the company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-laws, and submit the same to the vote of the qualified voters of the county or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion;

(1) For raising the amount so petitioned for by such freeholders, or such reeves and deputy-reeves, in such portion of the municipality by the issue of debentures of the county municipality, payable in twenty years, or by equal annual instalments of principal with interest;

(2) For assessing and levying upon all ratable property lying within the section defined by said petition, an annual special rate sufficient for the repayment of the debentures, with interest thereon, said interest to be paid yearly or half-yearly, which debentures the municipal councils, and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20. Upon any such petition being presented to the warden, or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

Meeting of the council to introduce by-law.

21. And in case the by-law of any municipality, or portion of a municipality, be approved or carried by a majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

Council to pass by-law if carried by rate-payers.

22. And within three months after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus, loan or guarantee thereby granted.

And issue debentures.

23. In case any bonus, loan or guarantee be so granted by a portion of a local municipality, or county municipality, the rate to be levied for the payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the local municipality, or county municipality.

Assessment only in portion of municipality granting aid.

24. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality, or county municipality, to the same extent as if the same had been passed by or for the whole municipality, or county municipality.

Municipal Act to apply where aid granted by a portion of a municipality.

25. All by-laws to be submitted to such vote for granting bonuses, loans, or guarantees to the company not requiring the levying of a greater annual rate than three cents in the dollar

Assessment not to exceed three cents in the dollar.

of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption
from taxation.

26. It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of 5 the company passes, or is situate, by by-laws, specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or 10 otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and any such by-laws shall not be repealed 15 unless in conformity with any condition contained in such by-law.

Municipality
may direct
where its aid
shall be
expended.

27. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion 20 of said railway, it shall be lawful for the company to enter into a valid agreement with such municipality, binding the company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same, or upon such other portions of the said line of railway 25 as the said municipality may see fit to direct; but such direction once given shall not be withdrawn, or in any way qualified.

Council may
consent that
route may be
varied.

28. The council of any municipality, or of any minor municipality comprised in a county or section of a county municipality, which has aided or may aid the said railway by grant- 30 ing a bonus thereto, may, on the application of the company from time to time, consent to the conditions of the agreements made with such municipality as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line, may render necessary 35 or expedient, and to the extent of such alterations, the original agreements may be varied accordingly: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on beyond what may be found necessary or expedient 40 from natural or engineering difficulties; and provided also that it shall be lawful for the company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway. In case the council of a municipality or minor municipality cannot 45 agree with the company as to what deviation should be made, owing to such natural or engineering difficulties, the said council and the company respectively shall each appoint an arbitrator, and such two arbitrators and the county judge, or some person appointed by him to act as arbitrator in his stead, shall 50 finally determine the matter, and the direction given by any municipality granting aid to the company, under the next preceding section, shall apply so far as practicable to the route when varied under this section; and in case of dispute between the company and such municipality in reference to the application 55 of such direction to the route when varied as aforesaid, the

Proviso.

In case of
dispute about
deviation of
route arbitra-
tion provided
for.

same shall be determined by arbitration in like manner, as above provided, in regard to the variation of the route of the said railway.

29. The municipal council of any and every county through
5 or near any part of which the line of the said railway shall run,
are hereby authorized and empowered by by-law to guarantee
the payment of the principal and interest, as they respectively
become due, of any debentures issued, or which may hereafter
be issued by any township, town or incorporated village in such
10 county to aid the construction of the said railway, and it shall
not be necessary to submit any such by-law to the vote or ap-
proval of the ratepayers.

County Council may guarantee payment of debentures of minor municipalities.

30. Whenever any municipality or portion or portions of a
municipality shall grant a bonus or loan to assist the company
15 in the making, equipping and completion of the said railway,
the debentures therefor, or bonds, shall within six months
after passing of the by-law, authorizing the same be delivered
to three trustees, to be named, one by the Lieutenant-Governor
in Council, one by the company, and one by the heads of
20 municipalities granting such bonuses, or the majority of them
who shall attend a meeting for that purpose, to be held at
such time and place as the company may appoint for that
purpose, notice of which shall be sent to each reeve, mayor, or
warden of the municipalities respectively, by mail, at least
25 fourteen days before the day appointed, all the trustees to be
residents of the Province of Ontario: Provided that if such
reeves, mayors, or wardens shall refuse or neglect to name such
trustee, or if the Lieutenant-Governor in Council shall refuse
or neglect to name said trustee within one month after notice,
30 in writing, to him of the appointment of the other trustees,
the company shall be at liberty to name such other trustee
or other trustees. Any of the said trustees may be removed
and a new trustee appointed in his place at any time by the
Lieutenant-Governor in Council, with the consent of the
35 company, and in case any trustee dies or resigns his trust, or goes
to live out of Ontario, or otherwise becomes incapable to act,
his trusteeship shall become vacant and a new trustee may be
appointed by the Lieutenant-Governor in Council, with the
consent of the company.

Debentures may be held by trustees.

Trustees how appointed.

Removal, and appointment of new trustees.

40 31. The said trustees shall receive the said debentures or
bonds in trust, firstly, under the direction of the company, to
convert the same into money; secondly, to deposit the
amount realized from the sale in such one or more of the
chartered banks having an office in the Province of Ontario, as
45 the company shall direct in the name of the Grand Trunk, Man-
itoulin, Georgian Bay and Lake Erie Railway Company, and
municipal trust account, and to pay the same out to the company
from time to time on the certificate of the chief engineer of the
said railway, in the form set out in schedule B, hereto, or to
50 the like effect, setting out the portion of the railway to which
the money to be paid out is to be applied, and that the sum so
certified for is in pursuance of the terms and conditions of
the by-law, and such certificate shall be attached to the cheques
to be drawn by the said trustees, and such engineer shall not
55 wrongfully grant any such certificate under penalty of one
hundred dollars, recoverable in any county court by any person
who may sue therefor.

Trusts on which debentures shall be held.

Acts of two trustees to be binding.

32. The acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Trustees already appointed to continue.

33. Provided always that the trustees already appointed to receive such debentures and bonds, under any Act relating to any of the companies hereby amalgamated, shall continue to exercise all the powers with regard to receiving, holding and dealing with such debentures and bonds already issued, as are conferred by the said Acts, and under and subject to the trusts thereby directed. 5

Power to trustees to pay for rails and track supplies.

34. Whenever the company shall have purchased rails, fish-plates, bolts and nuts, and spikes, to the value of five thousand dollars, and the same shall have been placed in or upon its lands, then, and so often as the same to the value aforesaid shall have been so placed as aforesaid, the trustees, by the statutes in that behalf appointed to receive municipal debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing, that such rails, fish-plates, bolts and nuts, and spikes, have been so placed, accompanied by a certificate of the engineer for the time being, of the company, stating the quantity, description and value thereof, pay to the company the amount at which the value is so stated in the said certificate, and charge the same against any portion of the fund in their hands for what purpose or on what terms soever it may have been so placed therein, and the value of the said rails, fish-plates, bolts and nuts, and spikes, shall be stated by the said engineer at the price actually paid therefor. 10 15 20 25

Penalty of false certificate.

35. If the said engineer shall knowingly or wilfully certify to any false or incorrect statement of the quantity, description or value of the said rails, fish-plates, bolts and nuts, and spikes, he shall for each such false or incorrect statement, in addition to any other punishment by law imposed, be liable to a penalty of five hundred dollars. 30

Upon payment rails and track supplies to vest in the trustees.

36. Forthwith upon each payment so made by the said trustees, under the thirty-fourth section of this act, the said rails, fish-plates, bolts, nuts and spikes, in respect whereof the said payments shall have been made, shall vest in and become the property of the said trustees, to be laid, used and employed upon the railway, and its construction within the limits of the respective municipality or municipalities, wherein according to the terms of the respective by-laws granting aid to the company, the money paid by the said trustees for the purchase of such rails, fish-plates, bolts, nuts and spikes, is or shall be directed or agreed to be expended, and not otherwise, or elsewhere: Provided always that the said trustees shall not make any such payments, if by doing so the amount or percentage reserved by the by-laws of any municipality for payment on the completion of the railway to the village of Wiarton, should in any way be impaired or diminished. 35 40 45

Proviso.

Trustees to pay off incumbrances.

37. Should there be any lien, charge, or incumbrance affecting the said rails, fish-plates, bolts and nuts, and spikes, the same shall be paid by the said trustees out of the fund in their hands, and to which payment the holder of the said lien, charge or incumbrance, shall be entitled in the place and stead 50

of, and in substitution for, his said lien, charge or incumbrance, and such payment by the said trustees shall, to the amount or extent thereof, be considered in all respects as a payment to the company, under the thirty-fourth section of this Act.

5 **38.** The company shall have power and authority:—

- (1) To make and issue first mortgage bonds, and also second or income mortgage bonds, for the purpose of redeeming out-
 10 standing bonds of the Port Dover and Lake Huron and the Stratford and Huron Railway Companies, and for the general purposes of the company as the same may from time to time
 be required in such denominations, payable either in currency or in sterling, and at such place or places within this Province
 or without, and at such time or times, and bearing such rate of interest, and each bond for such an amount as may be deemed
 15 advisable, and for the purpose of securing the due payment of any issue thereof, and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway and of the
 undertaking, and such of the lands, tolls, revenues and other property of the company as may be mentioned in such mortgage;
 20 and such mortgage bonds and all coupons and interest warrants thereon shall be payable to the bearer, and be transferable by delivery;

Power to make and issue first and second mortgage bonds.

May mortgage any portion of line to secure bonds.

- (2) Provided that such issue or issues of bonds shall not in the whole exceed the sum of one thousand six hundred pounds
 25 sterling, or its equivalent in currency per mile for each mile in length of the railway constructed, and hereby authorized to be constructed; nor shall any such mortgage or mortgages be made to secure in the whole a greater sum than one thousand
 six hundred pounds sterling, or its equivalent in currency per
 30 mile for each mile in length of the portion of the line of railway mentioned therein;

Bond issue not to exceed £1,600 sterling per mile.

- (3) Every such mortgage to secure payment of first mortgage bonds shall be a lien and charge upon such portion of the
 line of railway, and of the undertaking, and such of the lands,
 35 tolls, revenues, and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage or income bonds shall be a lien and charge upon such
 40 portion of the line of railway, and of the undertaking and such of the lands, tolls, revenues and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than
 45 one mortgage shall be made over the same portion of the line, undertaking, lands, tolls, revenues or other property of the company to secure first mortgage bonds.

Priorities of mortgages securing first and second mortgage bonds.

Only one mortgage over same portion of line to secure first mortgage bonds.

- 39.** The company may redeem all outstanding bonds of the Port Dover and Lake Huron and the Stratford and Huron
 50 Railway companies by providing for the holders thereof bonds of the company to such an amount and of such class or classes as may be agreed upon between the company and two-thirds of each class of the bondholders of the Port Dover and Lake Huron Railway Company, and of the holders of the bonds of
 55 the Stratford and Huron Railway Company.

Power to redeem P. D. and L. H. and S. and H. R. bonds by consent of two-thirds of holders thereof.

Notice to be
given in
Ontario Gazette
when new
bonds ready.

40. After the bonds of the company are made and ready for delivery, according to the terms of such agreement, the secretary of the company shall publish a notice to that effect in the *Ontario Gazette*, and upon publication of such notice the holders of all outstanding bonds of the Port Dover and Lake Huron, and the Stratford and Huron Railway Companies, shall forthwith become entitled to such of the said bonds of the company as the said agreement shall appropriate to them, and the outstanding bonds aforesaid, and all coupons for interest thereon, shall become null and void.

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Construction
by five mile
sections.

41. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made, of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said railway Act, with respect to "plans and surveys."

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Branch lines
and sidings.

42. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line and to appropriate the necessary lands for that purpose under the compulsory powers vested in the company by this Act or by any other Act in its behalf; nor

Notice to be
given when
branch exceeds
one quarter
of a mile.

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unless the company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county, or part of a county in which the line or any part thereof is to be constructed the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Lieutenant-Governor in Council after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council approving the said maps and plans shall limit the time not exceeding two years from the date of such order within which the company may construct such branch line. For any and every such purpose the company shall have and may exercise all the powers given it with respect to its main line by this Act, and the Railway Act of Ontario, and each and all provisions of the said Acts which are applicable to such main line shall extend and apply to every such siding, switch or branch line of Railway.

Approval by
Lieut.-
Governor.

Powers conferred by this
Act and
Railway Act
to apply.

43. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note: Provided, however, that nothing in this section shall be construed to authorize the company to issue a note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Powers as to
promissory
notes and
bills of
exchange.

Restrictions.

44. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Company may
purchase
additional
lands.

45. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds,

Power to take
material for
construction
or maintenance.

payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Power to lay tracks to where materials are taken.

46. When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sec. 20 of Railway Act not to apply.

(2) In estimating the damage for the taking of gravel, stone, earth or sand, subsection eight of section twenty of the Railway Act of Ontario shall not apply.

Company may enter into agreement with other companies touching the use of the road etc.

47. The company is hereby authorized and empowered before bonds of the Company have been issued under the provisions of this Act, if at any general meeting of the shareholders of the company and the holders of the bonds of the Port Dover and Lake Huron Railway Company and of the Stratford and Huron Railway Company, and after the issue of bonds of the Company, if at any general meeting of the shareholders of the company, either meeting being so called for that purpose, published and notified as prescribed by the provisions of this Act relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, to enter into agreements with any other railway company or companies which is or are lawfully empowered to enter into such agreements for building or leasing or equipment and maintenance of the said railway or any part thereof, or the use thereof at any time or times, or for any period to or by such other company or companies, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders, rolling stock or movable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies of the railway or movable property of either, or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such other railway company as well as any other corporation may agree upon any terms, they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the

stock of the railway company hereby created in like manner and with the like rights as individuals, but in so far only as the powers hereby conferred, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting or executing such lease shall be and is empowered to exercise all the rights and privileges by this Act conferred.

48. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then, with the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may by by-law allow company to lay its track on highways.

49. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises; wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company and any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such harbours and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen and enlarge such harbours, and the said harbours, wharves, piers and docks, water lots, lands elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to purchase and hold harbours, etc.

50. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the Railway.

51. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on

Telegraph lines.

their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. 5

Power to
pledge bonds.

52. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities, which, under the provisions of this Act, can be issued for the construction of the said Railway and its branches, or any of them. 10

Power to
construct or
equip line
for contract.

53. It shall be lawful for the directors to enter into a contract, or contracts, with any individual, or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid up stock; Provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same. 15 20

Municipalities
may make
gifts of land
for purposes
of railway.

54. Any municipality through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes, connected with the running or traffic of the said Railway, and the company shall have power to accept gifts of land from any Government or any person or body politic or corporate. 25

Power of
municipal
councils to
extend time
for commence-
ment and
completion.

55. It shall and may be lawful for the council of any municipality which has granted or may grant a bonus or bonuses to the company, and such council is hereby empowered to extend the time for the commencement and for the completion of the construction of the said railway, or any part thereof, or any of the works, buildings or undertakings thereof, where such periods, or either or any of them, have been, or hereafter shall be fixed by a by-law or by-laws sanctioning the grant of such bonus or bonuses, whether such time shall have elapsed before the said council shall so extend the same or not, and whether such time shall have elapsed before the passing of this Act or not. 30 35 40

Power to erect
snow fences.

56. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following. 45 50

Lien of North
Norwich
preserved.

57. Nothing in this Act contained shall impair or affect the special lien of the corporation of the township of North Norwich, under the twenty-sixth section of the Act passed in the

thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven.

58. The railway of the company shall be completed within seven years after the passing of this Act, but the failure of the company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the time limited, or which shall be limited for that purpose.

Time for completion extended, in default certain power continued.

59. All Acts relating to any of the Companies hereby amalgamated, in so far as they are inconsistent with this Act, are hereby repealed, and this Act shall be construed and considered as a consolidation of all the powers, privileges and rights of each of the companies hereby amalgamated, and an investment of the company therewith, so that however any powers, privileges and rights of either of the companies hereby amalgamated, and not inconsistent with this Act, even though not specially set out or referred to in this Act, shall be held, exercised and enjoyed by the company as if specially conferred hereby.

Repealing clause.

60. On or before the first day of June, A.D. 1881, the directors of the Georgian Bay and Wellington Railway Company shall call a general meeting of the shareholders of that company and the directors of the Port Dover and Lake Huron and of the Stratford and Huron Railway Companies shall, respectively, call a general meeting of the shareholders and bondholders of their respective companies, for the purpose of considering and, if approved, adopting the provisions of this Act; and, if, at each meeting the majority in value of such shareholders and bondholders present, in person or by proxy, resolves to adopt its provisions, the secretary of each company shall draw up and sign a certificate of the passing of such resolution by the meeting, affecting his company, which shall also be signed by the chairman of the meeting, and be forwarded to the Provincial Secretary, who, on receipt thereof, shall publish in the *Ontario Gazette* a notice that the provisions of this section have been complied with; and forthwith upon the publication of such notice, but not until then, the provisions of this Act preceding this section shall take effect and come into force and operation.

Meetings of the proprietors of the different lines amalgamated to be called for adoption of Act.

Notice to be published on adoption of Act to bring it into effect.

61. The directors of each company shall call the meeting of shareholders, or of shareholders and bondholders of their company in the preceding section mentioned, in the manner provided by law for calling general meetings of shareholders of their company; and the notice calling each such meeting shall state particularly that such meeting is called for the purpose of considering and if approved adopting the provisions of this Act.

Manner of calling meetings in preceding section mentioned.

62. The right of the company or any of the companies hereby amalgamated, in case the proposed amalgamation is never carried into effect, to receive the debentures by any by-law granting aid to any of the companies hereby amalgamated,

Right of company to debentures confirmed on commencement

and comple-
tion within
certain
periods.

authorized, or their proceeds shall not be impaired by reason of failure to commence or complete the railway, or the portion thereof, or the branches, sidings or switches, in such by-law mentioned, within the period prescribed in such by-law, or any agreement made thereunder for commencement or completion: Provided the company or any of the companies hereby amalgamated commence the work in such by-law and agreement mentioned within two years, and complete the same within three years from the passing of this Act.

5

SCHEDULE "A."

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of

dollars paid to me (or us) by the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of

paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its Railway, to hold with the appurtenances unto the said Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company, its successors and assigns (*here insert any other clauses, conditions, and covenants required*), and I (or we), wife (or wives) of the said

, do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this day of

one thousand eight hundred and eighty
Signed, sealed and delivered

in presence of

[L.S.]

SCHEDULE "B."

Chief Engineer's Certificate.

THE GRAND TRUNK, MANITOULIN, GEORGIAN
BAY AND LAKE ERIE RAILWAY COMPANY'S OFFICE.

Engineering Department, A.D.
one thousand eight hundred and
eighty

No.

Certificates to be attached to cheques drawn on the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway and Municipal trust account.

I, , Chief Engineer for the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company do hereby certify that the sum of dollars is required to be expended in the construction of the portion of the line extending from Mile No. to Mile No. , and that payment should be made to the company of such amount from the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway and Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-Law No. , of the municipality of the of

BILL.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. HAY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

WHEREAS the Port Dover and Lake Huron Railway Preamble.

Company, the Stratford and Huron Railway Company, and the Georgian Bay and Wellington Railway Company, have, by their petition, prayed for an Act amalgamating their 5 companies into one company and corporation, and for the grant to such company and corporation of the powers and privileges hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the interpretation of this Act, unless the context shall require a different interpretation the words, "the com-pany" shall mean the company hereby incorporated; the words 15 "the companies hereby amalgamated" shall mean the Port Dover and Lake Huron, the Stratford and Huron, and the Georgian Bay and Wellington Railway Companies, and the words "company hereby amalgamated" shall mean such one of the last named railway companies as the context may point 20 out.

2. From and after the passing of this Act, the shareholders of the companies hereby amalgamated, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company are declared to be a 25 body corporate and politic, under the name of the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Com-pany.

3. All the rights, claims, property, estate and effects of each of the companies hereby amalgamated, are hereby vested in 30 the company, subject to the provisions of this Act.

4. The assets of each company hereby amalgamated, in-cluding a share of any future assets of the company, which may have been earned by that portion of the line of the com-pany hereby amalgamated in the proportion the length of the 35 said portion of the line of the company hereby amalgamated, and which is then completed, and against which any lien or claim exists or may exist, bears to the whole length of the line of the company so far as completed, notwith-

standing they are vested in the company by this Act, shall continue liable to satisfy all liens and claims against that company hereby amalgamated which was originally liable therefor or thereto, and shall be applied in such satisfaction, but no other assets of the company shall be applied, nor shall the assets of one company hereby amalgamated be so applied in satisfaction of any lien and claim against the other: Provided that all suits and proceedings to enforce any such lien or claim shall be brought and taken against the company; and all actions, suits and proceedings, by or against any company hereby amalgamated, and pending at the time of the passing of this Act, shall be continued by or against the company: Provided also, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls, or other property of any of the companies hereby amalgamated, or upon any part thereof, shall not be affected, save that they and all the liens and claims mentioned in this section shall be subject to the provisions contained in this Act regarding the issue of bonds by the company.

Proviso.

Proviso.

Company authorized to maintain and complete lines of amalgamated companies.

5. The company shall be and is hereby authorized and empowered to maintain and complete the lines of railway already constructed or in the course of construction by any of the companies hereby amalgamated, with all the works; stations, and equipments thereof; and to construct and maintain extensions of such lines of railway, with all necessary sidings, works, stations, and equipments thereof, from the town of Palmerston to the village of Wiarton and the town of Owen Sound, or either of such places, and from the village of Wiarton to any point on the northerly boundary of the township of St. Edmund, in the county of Bruce; and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, to some point or points in the Great Manitoulin Island, and in any island in Lake Huron, lying between the Great Manitoulin Island and the State of Michigan, and from the town of Durham to the town of Owen Sound, or to some other point or points on the Georgian Bay, or to a junction with the Toronto, Grey and Bruce Railway; and a branch from some point in the line of railway between the town of Palmerston and the village of Wiarton to the town of Walkerton; and on all or any part or parts of the said line of railway to make, lay and maintain a single or double track.

Gauge.

6 The said railway may be of any gauge.

Board of Directors.

7. From and after the passing of this Act, until the first election of directors thereunder, David Tisdale, Henry Parker, of Woodstock, Gilbert Moore, Samuel Street Fuller, Thomas, Jehu Clarke, Ephraim Cook, George Jackson, M.P., James McMullen, Robert T. Livingstone and John Jackson, shall be the directors, and constitute the board of directors.

Capital of the company \$483,250.

8. The capital stock of the company shall be four hundred and eighty-three thousand two hundred and fifty dollars, being an amount equal to the combined capital stock of all the companies hereby amalgamated, divided into nine thousand six hundred and sixty-five shares of fifty dollars each, with

power to increase the same in the manner provided, by the Railway Act of Ontario, and each holder of stock in either of the companies hereby amalgamated shall be a shareholder in the company to the amount of stock he held in either of the 5 companies hereby amalgamated.

9. The directors hereinbefore appointed shall, within six months from the time this Act shall take effect, call a general meeting of the shareholders of the company, for the purpose of electing directors of the company, and at such meeting each 10 director hereinbefore appointed shall be eligible to be elected.

First meeting
for election
of directors.

10. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette*, at least two weeks previous to the day of meeting, and once 15 a week in a daily newspaper published in Toronto during the two weeks preceding the week in which the meeting is to be held, and the meeting shall be held at such place, and on such day and hour, as the directors shall from time to time appoint and name in the notice calling the meeting.

Time and
place and
notice of
meeting.

20 11. At such general meeting the shareholders of the company, assembled with such proxies as may be present, shall choose seven persons to be the directors of the company, any four of whom shall form a quorum.

Election of
Directors.

25 12. No person shall be qualified to be elected as a director unless he be a shareholder, holding at least ten shares of stock in the company.

Qualification
of Directors.

30 13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Rights of
aliens.

40 14. Conveyances of lands to the company, for the purposes of this Act, may be in the form set out in the schedule (schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate in- 40 dorsed on the duplicate thereof.

Form etc. of
Conveyances.

15. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass 45 or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified rate- 50 payers of the municipality, or portion of municipality (as the

Aid from mu-
nicipalities.

Proviso.

case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as
to bonus
by-laws.

16. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, 5 expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; 10

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be 15 that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be 20 that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for
referring to
arbitration
disputes as to
bonus by-laws.

17. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council 25 against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum 30 sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the 35 Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the 40 option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may 45 order.

“Minor municipality,”
meaning of.

18. The term “minor municipality” shall be construed to mean any town not separate from the municipal county, township or incorporated village situate in the county 50 municipality.

By-law, what
to contain.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also pro- 55

vide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

(2) For assessing and levying upon all ratable property 5 lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves, 10 and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that 15 behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same ;

21. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof 20 of shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof. And issue debentures.

22. All by-laws to be submitted to such vote for granting bonuses, loans, or guarantees to the company not requiring the 25 levying of a greater annual rate for all purposes exclusive of school rates than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar. Assessment not to exceed three cents in the dollar.

30 23. It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of the company passes, or is situate, by by-laws, specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal 35 assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, 40 and for such term of years as such municipal corporation may deem expedient ; and any such by-laws shall not be repealed unless in conformity with any condition contained in such by-law. Exemption from taxation.

24. Whenever any municipality or portion of a township 45 municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for the company to enter into a valid agreement with such municipality, binding the company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the 50 same, or upon such other portions of the said line of railway as the said municipality may see fit to direct ; but such direction once given shall not be withdrawn, or in any way qualified. Municipality may direct where its aid shall be expended.

Council may consent that route may be varied.

Proviso.

In case of dispute about deviation of route arbitration provided for.

County Council may guarantee payment of debentures of minor municipalities.

Debentures may be held by trustees.

Trustees how appointed.

25. The council of any municipality, or of any minor municipality, which has aided or may aid the said railway by granting a bonus thereto, may, on the application of the company from time to time, consent to the conditions of the agreements made with such municipality as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line, may render necessary or expedient, and to the extent of such alterations, the original agreements may be varied accordingly: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on beyond what may be found necessary or expedient from natural or engineering difficulties; and provided also that it shall be lawful for the company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway. In case the council of a municipality or minor municipality cannot agree with the company as to what deviation should be made, owing to such natural or engineering difficulties, the said council and the company respectively shall each appoint an arbitrator, and such two arbitrators and the county judge, or some person appointed by him to act as arbitrator in his stead, shall finally determine the matter, and the direction given by any municipality granting aid to the company, under the next preceding section, shall apply so far as practicable to the route when varied under this section; and in case of dispute between the company and such municipality in reference to the application of such direction to the route when varied as aforesaid, the same shall be determined by arbitration in like manner, as above provided, in regard to the variation of the route of the said railway.

26. The municipal council of any and every county through or near any part of which the line of the said railway shall run, are hereby authorized and empowered by by-law to guarantee the payment of the principal and interest, as they respectively become due, of any debentures issued, or which may hereafter be issued by any township, town or incorporated village in such county to aid the construction of the said railway, and it shall not be necessary to submit any such by-law to the vote or approval of the ratepayers.

27. Whenever any municipality or portion of a township municipality shall grant a bonus or loan to assist the company in the making, equipping and completion of the said railway, the debentures therefor, or bonds, shall within six months after passing of the by-law, authorizing the same be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the heads of municipalities granting such bonuses, or the majority of them who shall attend a meeting for that purpose, to be held at such time and place as the company may appoint for that purpose, notice of which shall be sent to each reeve, mayor, or warden of the municipalities respectively, by mail, at least fourteen days before the day appointed, all the trustees to be residents of the Province of Ontario: Provided that if such Reeves, mayors, or wardens shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall refuse

or neglect to name said trustee within one month after notice, in writing, to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed
 5 and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the company, and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be
 10 appointed by the Lieutenant-Governor in Council, with the consent of the company.

Removal, and appointment of new trustees.

28. The said trustees shall receive the said debentures or bonds in trust, firstly, under the direction of the company, *but subject to the conditions of the by-law in relation thereto as to*
 15 *time or manner*, to convert the same into money; secondly, to deposit the amount realized from the sale in such one or more of the chartered banks having an office in the Province of Ontario, as the company shall direct in the name of the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company, and
 20 municipal trust account, and to pay the same out to the company from time to time on the certificate of the chief engineer of the said railway, in the form set out in schedule B, hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so
 25 certified for is in pursuance of the terms and conditions of the by-law, and such certificate shall be attached to the cheques to be drawn by the said trustees, and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person
 30 who may sue therefor.

Trusts on which debentures shall be held.

29. The acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

30. Provided always that the trustees already appointed to receive such debentures and bonds, under any Act relating
 35 to any of the companies hereby amalgamated, shall continue to exercise all the powers with regard to receiving, holding and dealing with such debentures and bonds already issued, as are conferred by the said Acts, and under and subject to the trusts thereby directed.

Trustees already appointed to continue.

40 31. Whenever the company shall have purchased rails, fish-plates, bolts and nuts, and spikes, to the value of five thousand dollars, and the same shall have been placed in or upon its lands, then, and so often as the same to the value
 45 aforesaid shall have been so placed as aforesaid, the trustees, by the statutes in that behalf appointed to receive municipal debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing, that such rails, fish-plates, bolts and nuts, and spikes, have been so placed, accompanied by a
 50 certificate of the engineer for the time being, of the company, stating the quantity, description and value thereof, pay to the company the amount at which the value is so stated in the said certificate, and charge the same against any portion of the fund in their hands for what purpose or on what terms soever
 55 it may have been so placed therein, and the value of the said rails,

Power to trustees to pay for rails and track supplies.

fish-plates, bolts and nuts, and spikes, shall be stated by the said engineer at the price actually paid therefor.

Penalty of
false certifi-
cate.

32. If the said engineer shall knowingly or wilfully certify to any false or incorrect statement of the quantity, description or value of the said rails, fish-plates, bolts and nuts, and spikes, he shall for each such false or incorrect statement, in addition to any other punishment by law imposed, be liable to a penalty of five hundred dollars. 5

Upon payment
rails and
track supplies
to vest in
the trustees.

33. Forthwith upon each payment so made by the said trustees, under the thirty-first section of this act, the said rails, fish-plates, bolts, nuts and spikes, in respect whereof the said payments shall have been made, shall vest in and become the property of the said trustees, to be laid, used and employed upon the railway, and its construction within the limits of the respective municipality or municipalities, wherein according to the terms of the respective by-laws granting aid to the company, the money paid by the said trustees for the purchase of such rails, fish-plates, bolts, nuts and spikes, is or shall be directed or agreed to be expended, and not otherwise, or elsewhere: Provided always that the said trustees shall not make any such payments, if by doing so the amount or percentage reserved by the by-laws of any municipality for payment on the completion of the railway to the village of Wiarton or the town of Owen Sound, should in any way be impaired or diminished. 10 15 20 25

Proviso.

Trustees to
pay off
incumbrances.

34. Should there be any lien, charge, or incumbrance affecting the said rails, fish-plates, bolts and nuts, and spikes, the same shall be paid by the said trustees out of the fund in their hands, and to which payment the holder of the said lien, charge or incumbrance, shall be entitled in the place and stead of, and in substitution for, his said lien, charge or incumbrance, and such payment by the said trustees shall, to the amount or extent thereof, be considered in all respects as a payment to the company, under the thirty-first section of this Act. 30

Power to make
and issue first
and second
mortgage
bonds.

35. The company shall have power and authority:— 35
(1) To make and issue first mortgage bonds, and also second or income mortgage bonds, for the purpose of redeeming outstanding bonds of the Port Dover and Lake Huron and the Stratford and Huron Railway Companies, and for the general purposes of the company as the same may from time to time be required, in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate of interest, and each bond for such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof, and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway and of the undertaking, and such of the lands, tolls, revenues and other property of the company as may be mentioned in such mortgage; and such mortgage bonds and all coupons and interest warrants thereon shall be payable to the bearer, and be transferable by delivery; 40 45 50

May mortgage
any portion of
line to secure
bonds.

Bond issue not
to exceed
£1,600 sterling
per mile.

(2) Provided that such issue or issues of bonds shall not in the whole exceed the sum of one thousand six hundred pounds sterling, or its equivalent in currency per mile for each mile in 55

length of the railway constructed, and hereby authorized to be constructed; nor shall any such mortgage or mortgages be made to secure in the whole a greater sum than one thousand six hundred pounds sterling, or its equivalent in currency per 5 mile for each mile in length of the portion of the line of railway mentioned therein;

(3) Every such mortgage to secure payment of first mortgage bonds shall be a lien and charge upon such portion of the line of railway, and of the undertaking, and such of the lands, 10 tolls, revenues, and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage or income bonds shall be a lien and charge upon such portion of the line of railway, and of the undertaking and such of 15 the lands, tolls, revenues and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than 20 one mortgage shall be made over the same portion of the line, undertaking, lands, tolls, revenues or other property of the company to secure first mortgage bonds.

Priorities of mortgages securing first and second mortgage bonds.

Only one mortgage over same portion of line to secure first mortgage bonds.

36. The company may redeem all outstanding bonds of the Port Dover and Lake Huron and the Stratford and Huron 25 Railway companies by providing for the holders thereof bonds of the company to such an amount and of such class or classes as may be agreed upon between the company and two-thirds of each class of the bondholders of the Port Dover and Lake Huron Railway Company, and of the holders of the bonds of 30 the Stratford and Huron Railway Company.

Power to redeem P. D. and L. H., and S. and H. R. bonds by consent of two-thirds of holders thereof.

37. After the bonds of the company are made and ready for delivery, according to the terms of such agreement, the secretary of the company shall publish a notice to that effect in the *Ontario Gazette*, and upon publication of such notice 35 the holders of all outstanding bonds of the Port Dover and Lake Huron, and the Stratford and Huron Railway Companies, shall forthwith become entitled to such of the said bonds of the company as the said agreement shall appropriate to them, and the outstanding bonds aforesaid, and all coupons for interest thereon, shall become null and void. 40

Notice to be given in *Ontario Gazette* when new bonds ready.

38. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the 45 lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway, 50 way authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all 55 and every of the clauses of the said Railway Act applied to, included in, or incorporated with this Act, shall apply and extend

Construction by five mile sections.

to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made, of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said railway Act, with respect to "plans and surveys."

Branch lines
and sidings.

Notice to be
given when
branch exceeds
one quarter
of a mile.

Approval by
Lieut.-
Governor.

Powers con-
ferred by this
Act and
Railway Act
to apply.

Powers as to
promissory
notes and
bills of
exchange.

39. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line and to appropriate the necessary lands for that purpose under the compulsory powers vested in the company by this Act or by any other Act in its behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county, or part of a county in which the line or any part thereof is to be constructed the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Lieutenant-Governor in Council after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council approving the said maps and plans shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line. For any and every such purpose the company shall have and may exercise all the powers given it with respect to its main line by this Act, and the Railway Act of Ontario, and each and all provisions of the said Acts which are applicable to such main line shall extend and apply to every such siding, switch or branch line of Railway.

40. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary

be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note: Provided, ^{Proviso.} however, that nothing in this section shall be construed to authorize the company to issue a note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient. ^{Company may purchase additional lands.}

42. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required. ^{Power to take material for construction or maintenance.}

43. When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway; ^{Power to lay tracks to where materials are taken.}

(2) In estimating the damage for the taking of gravel, stone, earth or sand, subsection eight of section twenty of the Railway Act of Ontario shall not apply.

Company
may enter
into agree-
ment with
other
companies
touching the
use of the
road etc.

44. The company is hereby authorized and empowered before bonds of the Company have been issued under the provisions of this Act, if at any general meeting of the shareholders of the company and the holders of the bonds of the Port Dover and Lake Huron Railway Company and of the Stratford and Huron Railway Company, and after the issue of bonds of the Company, if at any general meeting of the shareholders of the company, either meeting being so called for that purpose, published and notified as prescribed by the provisions of this Act relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, to enter into agreements with any other railway company or companies which is or are lawfully empowered to enter into such agreements for building or leasing or equipment and maintenance of the said railway or any part thereof, or the use thereof at any time or times, or for any period to or by such other company or companies, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders, rolling stock or moveable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies of the railway or moveable property of either, or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such other railway company as well as any other corporation may agree upon any terms, they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the stock of the railway company hereby created in like manner and with the like rights as individuals, but in so far only as the powers hereby conferred, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting or executing such lease shall be and is empowered to exercise all the rights and privileges by this Act conferred.

Municipalities
may by by-
law allow
company to
lay its track
on highways.

45. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then, with the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

46. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises, wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company and any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such harbours and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen and enlarge such harbours, and the said harbours, wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to purchase and hold harbours, etc.

47. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the Railway.

48. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

49. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities, which, under the provisions of this Act, can be issued for the construction of the said Railway and its branches, or any of them.

Power to pledge bonds.

50. It shall be lawful for the directors to enter into a contract, or contracts, with any individual, or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid up stock; Provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Power to construct or equip line by contract.

51. Any municipality through which the said railway may pass, is empowered to grant, by way of gift to the company, may make

Municipalities may make

gifts of land
for purposes
of railway.

any lands belonging to such municipality which may be required for right of way, station grounds or other purposes, connected with the running or traffic of the said Railway, and the company shall have power to accept gifts of land from any Government or any person or body politic or corporate. 5

Power to erect
snow fences.

52. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, 10 subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following. 15

Lien of North
Norwich
preserved.

53. Nothing in this Act contained shall impair or affect the special lien of the corporation of the township of North Norwich, under the twenty-sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven. 20

Time for
completion
extended, in
default certain
power con-
tinued.

54. The railway of the company shall be completed within seven years after the passing of this Act, but the failure of the company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or 25 hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the 30 time limited, or which shall be limited for that purpose: Provided always that the time for completing the road to the village of Wiarton shall not be extended beyond the period of two years from the passing of this Act. 35

Inconsistent
enactments
repealed.

55. All Acts relating to any of the Companies hereby 35 amalgamated, in so far as they are inconsistent with this Act, are hereby repealed, and this Act shall be construed and considered as a consolidation of all the powers, privileges and rights of each of the companies hereby amalgamated, and an investment of the company therewith, so that however any 40 powers, privileges and rights of either of the companies hereby amalgamated, and not inconsistent with this Act, even though not specially set out or referred to in this Act, shall be held, exercised and enjoyed by the company as if specially conferred hereby. 45

Meetings of the
proprietors of
the different
lines amal-
gamated to be
called for
adoption of
Act.

56. On or before the first day of June, A.D. 1881, the directors of the Georgian Bay and Wellington Railway Company shall call a general meeting of the shareholders of that company and the directors of the Port Dover and Lake Huron 50 of the Stratford and Huron Railway Companies shall, respectively, call a general meeting of the shareholders and bondholders of their respective companies, for the purpose of considering and, if approved, adopting the provisions of this Act; and, if, at each meeting the majority in value of such shareholders and

bondholders present, in person or by proxy, resolves to adopt its provisions, the secretary of each company shall draw up and sign a certificate of the passing of such resolution by the meeting, affecting his company, which shall also be signed by
 5 the chairman of the meeting, and be forwarded to the Provincial Secretary, who, on receipt thereof, shall publish in the *Ontario Gazette* a notice that the provisions of this section have been complied with; and forthwith upon the publication of such notice, but not until then, the provisions of this Act preceding
 10 this section shall take effect and come into force and operation.

Notice to be published on adoption of Act to bring it into effect.

57. The directors of each company shall call the meeting of shareholders, or of shareholders and bondholders of their company in the preceding section mentioned, in the manner provided by law for calling general meetings of shareholders
 15 of their company; and the notice calling each such meeting shall state particularly that such meeting is called for the purpose of considering and, if approved, adopting the provisions of this Act.

Manner of calling meetings in preceding section mentioned.

58. The right of the company  (or of the Stratford and
 20 Huron Railway Company, in case the proposed amalgamation is never carried into effect)  to receive the debentures *authorized* by any by-law *heretofore* granting aid to the *Stratford and Huron Railway Company*, or their proceeds shall not be impaired by reason of failure to commence or complete the rail-
 25 way, or the portion thereof, or the branches, sidings or switches, in such by-law mentioned, within the period prescribed in such by-law, or any agreement made thereunder for commencement or completion: Provided the company or the *Stratford and Huron Railway Company* commence the work in such by-
 30 law and agreement mentioned within *one* year, and complete the same within *two* years from the passing of this Act.

Right of company to debentures confirmed on commencement and completion within certain periods.

 59. Except as to the provisions contained in this Act relating to the issue of bonds by the company and the provisions contained in the next preceding section, nothing in this Act
 35 contained shall alter or impair the force and effect of any agreement heretofore made or entered into and now existing between the said Stratford and Huron Railway Company or the said Port Dover and Lake Huron Railway Company, or the Georgian Bay and Wellington Railway Company and any of the municipalities which have contributed by way of bonus towards the construction of the said railways or either of them, but said agreements shall continue in all respects to be and are hereby declared binding upon the said railway companies, respectively, and upon the company: Provided always that in case of any
 40 such agreements or parts thereof being inconsistent or conflicting with each other, and of differences arising in respect thereof between the company and any or either of such municipalities, all such matters of difference shall from time to time be referred to the arbitrament of a majority of arbitrators, of
 50 whom one shall be named by the company and two by the municipalities interested, each party naming one and two named by any judge of either of the Superior Courts of Law or Equity, and that such award shall be enforceable in like manner as awards made under the Railway Act of Ontario or
 55 as may be ordered by any decree or rule of court. 

Agreements with municipalities not affected.

Proviso.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.
Second " 21st February, 1881.

(PRIVATE BILL.)

Mr. HAY.

TORONTO:

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An Act respecting Water and Gas Works at Parkdale.

WHEREAS, the council of the corporation of the village of ^{Preamble.} Parkdale, have petitioned for the passage of an Act empowering the corporation of said village to construct, establish and maintain water-works, and gas-works in said village, and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 1. The corporation of the village of Parkdale, by and through the agency of commissioners and their successors to be appointed as hereinafter provided, shall have power to purchase all materials for and to design, construct, hold, improve, manage, conduct and maintain water-works and gas-works or
15 either one alone, and all buildings, machinery and appliances connected therewith or required therefor in the said village and parts adjacent thereto as hereinafter provided.

Power to construct water and gas works.

2. The commissioners and their successors shall be a body corporate, under the name of "the water and gas commissioners for the village of Parkdale," and shall have all the powers necessary to enable them to construct and maintain the water-works and gas-works, as provided for in the next preceding section of this Act, and as hereinafter, as to other matters connected therewith, more specifically provided.

Incorporation of commissioners.

- 25 3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said village, and the inhabitants thereof, and such other persons, companies, or bodies, politic or corporate, as the council of the corporation of the said village, under the powers in this
30 Act conferred, may contract with for that purpose, with a sufficient quantity of pure and wholesome water, and of gas of suitable power and purity.

Duties of commissioners.

4. The commissioners shall have power to employ such engineers, surveyors, skilled workmen, labourers and others, and
35 to rent, construct, or purchase, as the case may be, such lands, buildings, waters, materials and privileges as in their opinion may be necessary to fulfil their duties under this Act.

Powers of commissioners.

5. It shall be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such
40 times as they shall see fit, and they are hereby empowered to

Powers to enter on and acquire lands.

enter into and upon the lands of any person or persons, bodies politic or corporate, in the said village of Parkdale, or within a distance of ten miles therefrom, and to survey, set out and ascertain such parts thereof as they may require, for the purposes of said water-works or gas-works, or both, and also to 5 divert any spring or stream of water thereon, as they shall judge suitable and proper, and to contract with the owners or occupiers of said lands, and those having an interest or right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water-works commissioners, and in case of 10 any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof or as to the damages such appropriation shall 15 cause to them, or otherwise, the same shall be decided by three arbitrators to be appointed in manner following, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days 20 after their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge or junior judge of the County Court of the county of York, shall on application by either party, appoint such third arbitrator; in case any such 25 owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then the said judge or junior judge on application made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons 30 as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money, which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final 35 and binding on all parties concerned, and the said arbitrators shall be, and they are hereby required to attend at some convenient time and place in, or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, then 40 and there to arbitrate, adjudge, determine, and award such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall before entering upon his duties be sworn before a justice of the peace, in and for the county of York, any of whom may be required 45 to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment: Provided, always, that any award under this Act shall be subject to be set aside, on application to any of the Superior Courts of this Province, in the same manner and 50 on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any unsuccessful motion to annul or set 55 aside the same, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereafter revive.

Arbitration.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, as aforesaid, shall thereupon become and thereafter forever be vested in the corporation of the village of Parkdale, and their successors, and it shall be lawful for the said commissioners and their successors to construct, erect and maintain, in and upon the said lands, all such reservoirs, water-works, gas-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between said reservoirs and water-works and the springs, streams, rivers, lakes or ponds or water from which the same are procured, and the said village of Parkdale, by one or more lines of pipes, as may from time to time be found necessary, and for better affecting the purposes aforesaid, and for the purpose of conducting the gas and water from the said works to the consumers thereof, whether within or beyond the limits of the said village of Parkdale, the said commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the streets, lanes, highways, railways and roads of and in the townships of York, Etobicoke and Scarboro, the city of Toronto, the town of Yorkville and the incorporated village of Brockton, and in, through, over and under the public ways, streets, lanes or other passages of the said village of Parkdale, and in, upon, through, over or under the lands, grounds and premises of any person or persons, bodies corporate or politic, or any lands of the crown, and to set out, ascertain, use and occupy such part or parts thereof as they the said commissioners, or their successors, shall think necessary and proper for the making and maintaining of the said works, or part thereof, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water and gas, or either, to the inhabitants of, and to the corporation of, the village of Parkdale, to the municipalities hereinbefore mentioned, and the inhabitants thereof, and to those to whom they, the said commissioners, are hereby empowered to supply the same, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to alter all or any of the said works, as well in the position as in the construction thereof, as to the commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid, and all such water-works, gas-works, pipes, erections and machinery, requisite for the said undertaking, shall likewise be vested in and be the property of the corporation of the said village of Parkdale.

Lands, privileges and works to be vested in the corporation of Parkdale.

7. Where there are buildings within any of the municipalities aforesaid, the different parts whereof belong to different tenants or lessees, the said commissioners shall have power to carry pipes to any part of any building so situate, passing over

Power to carry pipes over and across property.

the property of one or more proprietors, or in possession of one or more tenants, to convey the water and gas to that of another, the pipes, if for gas, being carried up and attached to the outside of the building, and, also, to break up and up-lift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said commissioners doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers subject to which provisions this Act shall be sufficient authority for doing any of the things aforesaid.

Offences and penalties.

8. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners, or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act contained, or if any person shall wilfully or maliciously let off or discharge any water or gas so that the same shall run useless out of the said works, or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works or gas-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, water or gas, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof, before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for the purposes of said works, and the other half to him or her who shall lay the information, and, in case the parties suing for the same shall be the commissioners themselves, then the whole of the said penalty shall be applied to the uses of the commissioners for the purposes of the said works, and such justice may also, in his discretion, further condemn such person to be confined in the common gaol for the county of York, for a space of time not exceeding one calendar month, as to such justice shall seem meet, and such person or persons so offending, notwithstanding any such conviction as aforesaid, shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

Material exempt from execution.

9. All materials procured, or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Books and accounts to be kept by commissioners.

10. The said commissioners shall keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings in which the accounts relating to the water works, shall be separate and distinct from those relating to the gas works, and all such books shall be open to examination of any member of the council of said village, or of any person or persons appointed by such council for that purpose, and the said commissioners shall, annually, on or before the thirty-first day of December in each and every year, make a

report to the corporation of the said village, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same respectively ; and the commissioners and their successors shall, 5 from time to time, in each year, deliver to the council of the said corporation, such other statement of the affairs of the said water-works and gas-works, as the said corporation shall require for the benefit of and for the information of the rate-payers of the said village of Parkdale, and all accounts relating to said water-works and gas-works may be audited by the 10 auditors of the said corporation in regular course.

11. The said commissioners, and the clerks employed in their service, shall, before entering upon their respective duties, 15 be sworn before a justice of the peace for the said county of York to the faithful performance of their duties. Oaths of office.

12. The commissioners for the time being shall regulate the distribution and use of the water and gas in all places, and for all purposes where the same may be required, and from time to time shall fix the prices for the use and consumption 20 thereof, and the times and manner of payment, and they may erect such number of public hydrants and such street lamps for lighting, and in such places as they shall see fit, and direct in what manner, during what times, and for what purposes the same shall be used, all of which they may change at their 25 discretion: Provided always that all hydrants, conduits, or other appliances for the conveyance of water which the corporation of the village of Parkdale may require under this Act, for the purpose of extinguishing fires, or watering streets, shall be placed as the corporation of the said village shall direct, and shall be under their exclusive control and 30 direction when erected ; and the said commissioners are hereby empowered, at proper hours of the day, and upon reasonable notice given and request made by them for that purpose, to place meters for either gas or water, as the case may be, upon 35 any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the necessary appliances connected therewith, and the times when and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price, and the expense of such alterations may be collected in the same manner as 40 water or gas rates : Provided that no service-pipe, fittings or meters, belonging to the said water works or gas works, shall be subject to distress for rent due to any landlord in respect of premises, wherein the same may be. Regulations as to use of water. Proviso as to hydrants for fire. Proviso.

13. If any person shall wilfully damage or cause to be 50 damaged, any such meter or any service pipe or fittings, or wilfully alter any such meter, so as to lessen or alter the amount of water or gas registered thereby, as the case may be, or so as to cause the quantity registered or used to be falsely indicated, or shall wilfully remove, destroy, damage, fraudently alter, or in any way injure any pipe, pedestal, post, plug, lamp, or other 55 apparatus or thing belonging to the said works, or wilfully Penalty on persons injuring or altering meters, etc.

extinguish any of the public lamps or lights, or waste or improperly use or suffer to be used, any of the gas or water supplied from said works, he shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any justice of the peace for the county of York, and in case the said penalty and costs are not paid forthwith, the justice may commit the offender to the common gaol of the county of York, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

Water rates.

14. The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate or rent, which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment, and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her, or their property, by the water-works and the locality in which the same is situated; and said commissioners shall, from time to time, fix the price and rate per thousand feet of gas which any owner or occupant as aforesaid, to whom the same shall be supplied, shall pay therefor, and the times of payment, and such water rate and gas rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid, upon such real estate, and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

Lien for rates.

Rates to be paid over to treasurer.

15. All water and gas rates and rents when collected, less disbursements, by the commissioners, shall be paid over monthly by the commissioners to the treasurer of the said village of Parkdale, and by him shall be placed to the credit of the gas and water accounts respectively, and the commissioners shall have power to make and enforce all necessary by-laws, rules and regulations for the general maintenance or management and conduct of the said water and gas works, and the officers and others in their employ, not inconsistent with this Act, and for the collection of said water and gas rates, or rents, and for fixing the times, which shall be quarterly, when and the places where the same shall be payable; also for allowing a discount for pre-payment, and in case of default in payment, to enforce payment by shutting off the gas or water, or both, as the case may be, or by suit at law, in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found, or of any goods or chattels found on the premises, the property of, or in the possession of any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales for taxes due under the Municipal Act, and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such premises.

16. The commissioners shall have power, with the consent of the council of the village of Parkdale, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the objects of this Act, and to specify the duties of such persons so employed and to fix their compensation, and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall by by-law determine, and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors of the said village may, by law, possess and enjoy, and said commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties as justices of the peace now have under the laws of this Province.

Appointment
of collectors.

Protection to
officers.

17. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of said water-works or gas works, or in any way obtain or use any water or gas therefrom, or furnish them or either of them to others, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works or gas works purposes respectively, the sum of one hundred dollars in each case, and also a further sum of five dollars for each pipe or main for each day during which such pipe or main shall so remain, which sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province, having jurisdiction to that amount.

Using water
without con-
sent.

18. If any person shall bathe, wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of three miles from the source of supply for such water-works in any lake, river, pond, source or fountain, from which the water of the said water-works is obtained, or shall convey, or cast, or cause, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain, to run or to be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof, before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence, not exceeding twenty dollars, together with costs, one-half to be applied to water-works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice shall also, in his discretion, further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

Penalty for
fouling water.

19. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary, for prohibiting by fine, not exceeding twenty dollars, for water-works

Penalty for
wrongfully
using water.

purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof), any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from vending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine, for issuing to the inhabitants of the village a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Expenses of
laying pipes
across vacant
spaces.

20. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water or gas is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owner or occupant of the premises at their election, and such charge shall be payable on demand to said commissioners, and if not so paid, the same may be collected forthwith from such owner or occupant, in the same manner as water or gas rates are collectable.

Service pipes,
stop-cocks,
meters, etc.

21. The service pipes from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, meters and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipes or their fitting, either by neglect or otherwise, the commissioners may repair the same, and charge the cost thereof to the occupant or owner of the premises; the stop-cock placed by the commissioners inside the wall of the building shall not be used by the water tenant, except in cases of accident or for the protection of the building, or the pipes, and to prevent flooding of the premises.

Taps.

22. All parties supplied with water by the commissioners may be required to place only such taps for drawing and shutting off the water, as may be approved of by the commissioners.

Non-liability
for breakage.

23. Neither the said commissioners nor the corporation of the village of Parkdale, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water or gas to repair mains, or to tap pipes, provided notice be given of the intention to shut off the water or gas where the same is shut off more than six hours at any one time.

24. It shall be lawful for the officers of the said commissioners, and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given, and request made for that purpose, to all parts of every building in which water or gas, or either, is delivered and consumed, and also in like manner to enter into and upon the lands and houses of any person or corporation for the purpose of erecting water and gas meters therein, and for the purpose of inspecting or altering the same.

Power o
inspect
buildings.

25. If any person or persons not being in the employment of the said commissioners, and not being specially thereto authorized by the said commissioners, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars, for water-works purposes; or, in default of payment, be imprisoned in the gaol of the county for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day said obstruction shall continue shall be considered a separate offence.

Penalty for
injuries.

26. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum.

27. The said commissioners shall have full, entire and exclusive possession, control and management of the said lands, water and gas-works, and all things appertaining thereto, and may, in the name of "The Gas and Water Commissioners of the village of Parkdale," prosecute or defend any action or proceeding at law or in equity against any person or persons, or body corporate or politic, for money due for the use of water or gas, or both, for the breach of any contract, express or implied, touching the execution or management of the works, or distribution of the water or gas, or of any promise to or contract with them, and also for any injury, trespass or nuisance done or suffered, or any unlawful interference with the water courses, source of water supply, gas-works, water or gas-pipes, or any pedestal, post, plug or lamp, or any machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of gas or water, or for any wilful extinguishing of public lamps or lights, or for anything otherwise arising out of their said office as commissioners.

Exclusive
control of
lands, etc.

Commission-
ers may sue or
be sued.

28. The said commissioners are hereby empowered to arrange for the extension of pipes, to outlying or partially built portions of the said village, by allowing a deduction from the price charged for the water and gas, or either, as the case may be, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval, or the commissioners may, at their election, lay the pipes, charging the said parties, in addition to the usual rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at

Extension of
pipes to outly-
ing parts.

the same time and collected in the same manner as the gas and water rates.

Power to supply water and gas outside of Parkdale.

29. The commissioners shall have power and authority to supply any corporation, person or persons with water and gas, or either, although not being a resident within the said village of Parkdale, and may exercise all other powers necessary to the carrying out of their agreements with such corporations or persons, as well within the city of Toronto, the town of Yorkville, the village of Brockton, and the townships of York, Scarborough and Etobicoke, as within the said village of Parkdale, and they may, also, from time to time, make and carry out any agreement, which they may deem expedient for the supply of gas and water, or either, to any railway company or manufactory: Provided that no power or authority shall be exercised under this clause without the consent and approbation of the council of the village of Parkdale.

Limitation of actions.

30. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or, in case there shall be a continuation of damages, then within one year after the original cause of action arising.

Power to issue debentures.

31. For the purpose of constructing the said water-works or gas-works, or both, and purchasing all the machinery and materials connected therewith, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of Parkdale shall have power to issue debentures, none of which shall be for a less sum than one hundred dollars, for a sum of money not exceeding thousand dollars, which debentures shall be made payable in thirty years, at farthest, from the date of the respective issues thereof, and shall bear interest at the rate of five, six or seven per centum per annum, such interest to be payable half-yearly, and such debentures shall be signed by the reeve and treasurer of said village for the time being, and the council of the said village, shall, after the completion of said works, and for the purpose of providing a sinking fund for the payment of said debentures and the interest thereon, levy annually, by a general assessment, in such manner as general rates are levied under the Municipal Act, such sum as may be necessary to pay the interest upon and provide a sinking fund for the payment of said debentures as the same shall fall due respectively: Provided, however, that, before the issue of such debentures, the council of the said village of Parkdale shall pass a by-law for that purpose, which shall, before the final passage thereof, be submitted to and receive the assent of the majority of the electors of the village of Parkdale, voting upon such by-law in the manner required by the Municipal Act and amending Acts, now passed or hereafter to be passed, for the submission of by-laws to the electors; such debentures, when issued, shall be deposited in some of the chartered banks having an office in the city of Toronto, and the proceeds thereof, when sold, shall be deposited in some chartered bank in the city of Toronto to the credit of

a special and separate account, and the same shall be paid out only in pursuance of a resolution of the council of the village of Parkdale, and on the cheque of the reeve thereof for the time being, and the chairman for the time being of the bank of 5 said commissioners.

32. Upon the construction of the said works, all the revenues arising from or out of the supplying of water or gas, or from the real or personal property connected with the said water-works and gas-works, or either, shall, after providing for 10 the expenses attendant upon the maintenance of such works, be paid over to and deposited monthly with the treasurer of the said village of Parkdale, and shall form part of the general funds of the corporation, and may be applied accordingly.

Application of
revenues.

33. The lands, buildings, machinery, reservoirs, pipes and 15 all other real or personal property connected with or appertaining or belonging to the water-works or gas-works, or both, shall from henceforth be exempt from assessment and taxation.

Exemption
from taxation.

34. The watchman and other officers of the said commis- 20 sioners, when in discharge of their duty, shall be, *ex-officio*, possessed of all the powers and authorities of officers of the peace.

Officers to be
ex-officio officers of
the peace.

35. The said commissioners shall consist of a board of not less than three and not more than five, of whom the reeve of 25 the said village of Parkdale shall, *ex-officio*, be one, and who shall be nominated and appointed by by-law duly passed by the council of said village, and, after the first nomination and appointment, the same shall be made annually in the month of August, except where a vacancy, from any cause, occurs at 30 said board, when a commissioner, who shall hold office during the remainder of the term for which his predecessor was appointed, shall be immediately appointed by the said council, and each of whom so nominated and appointed shall, during the whole period of his appointment or term of office, be 35 possessed, in his own right, or in right of his wife, of a legal or equitable freehold, within the village of Parkdale, of the value of three thousand dollars, over and above all incumbrances, or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some 40 justice of the peace in the county of York. The salary of such commissioners, both during the progress of the works and after their completion, to be such as may, from time to time, be fixed by the said council: Provided that no member of the council of the said village, except the reeve thereof, shall, at 45 the same time, be a member of said board of commissioners.

Commission-
ers, how ap-
pointed.

Qualification.

Salary.

36. No commissioner appointed as aforesaid, nor any member of the council of said village, shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same, or any of them.

Commission-
ers and coun-
cilmembers not to
be interested
in works.

50 37. In case the corporation of the village of Parkdale shall not see fit to construct the said water-works and gas-works, or either, by or through the agency of commissioners, the council thereof may, by by-law, declare it advisable to have the said

Construction
by nominee of
council.

water-works and gas-works, or either, constructed in the same manner as required with respect to the by-law mentioned in the thirtieth section of this Act.

Corporation
may assume
the construc-
tion of works.

38. The corporation of the said village, in case the construction of the works be entrusted to commissioners, as herein- 5
before provided, may, by by-law, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with the works, and, in such case, all the rights, powers, authorities, duties and liabilities by this Act given to, granted or vested in the said com- 10
missioners shall be vested in the said corporation, which shall, also, be vested with, and have all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

BILL.

An Act respecting Water and Gas Works at
Parkdale.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. PATTERSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting Water and Gas Works at Parkdale.

WHEREAS, the council of the corporation of the village of Preamble.

Parkdale, have petitioned for the passage of an Act empowering the corporation of said village to construct, establish and maintain water-works, and gas-works in said village, and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. The corporation of the village of Parkdale, by and through the agency of commissioners and their successors to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works and gas-works or either of *them*, and all buildings, matters, machinery and appliances therewith connected or necessary thereto in the said village and parts adjacent, as hereinafter provided.

Construction of water works authorized.

20 2. The commissioners and their successors shall be a body corporate, under the name of the "Water and Gas Commissioners for the village of Parkdale," and shall be composed of three members, of whom the reeve of the village of Parkdale, for the time being, shall be *ex officio* one, and the said commissioners shall have all the powers necessary to enable them to build the water-works and gas-works hereinafter mentioned, and to carry out all and every, the other powers conferred upon them by this Act.

Water commissioners.

30 3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said village, and the inhabitants thereof, and such other persons, companies, or bodies, politic or corporate, as the council of the corporation of the said village, under the powers in this Act conferred, may contract with for that purpose, with a sufficient quantity of pure and wholesome water, and of gas of suitable power and purity.

Duties of commissioners.

40 4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Powers of commissioners.

Power to enter
on lands.

Divert and
appropriate
streams, etc.

Arbitration.

Proviso.

5. It shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the village of Parkdale, or within ten miles of the said village, but not within the city of Toronto, or the village of Yorkville, or the village of Brockton, unless by and with the consent of the council of such city or village, to be given by by-law in that behalf, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works and also to divert and appropriate any river, pond of water, spring or stream of water therein as they shall judge suitable and proper, except the streams in the township of York known as Well's creek and Baldwin's creek, and to contract with the owner or occupier of the said lands, and those having a right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required, for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of the said lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of York, shall, on application of either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator in his behalf, or in case such land or water privileges be mortgaged, or pledged to any person or persons, the judge of the county court of the county of York, on application being made to him for that purpose, by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said county of York, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace, before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same, a certificate to that effect: Provided always,

that any award under this Act shall be subject to be set aside on application to any of the Superior Courts of this Province, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again
 5 made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall there-
 10 upon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascer-
 15 tained, set out or appropriated by the said commissioners as aforesaid, shall thereupon become and thereafter forever be vested in the corporation of the village of Parkdale, and their successors, and it shall be lawful for the said commissioners and their successors to construct, erect and maintain, in and upon the said lands, all such reservoirs, water-works,
 20 and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between said reservoirs and water-works and the springs, streams, rivers, lakes or ponds or water from which the same are pro-
 25 cured, and the said village of Parkdale, by one or more lines of pipes, as may from time to time be found necessary, and for better affecting the purposes aforesaid, and for the purpose of conducting the water from the said works to the consumers thereof, whether within or beyond the limits of the said
 30 village of Parkdale, the said commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon,
 35 over, under, and through the streets, lanes, highways, railways and roads of and in the townships of York and Etobicoke, the city of Toronto, the village of Yorkville and the incorporated village of Brockton, and in, through, over and under the public ways, streets, lanes, railways or other passages
 40 of the said village of Parkdale, and in, upon, through, over or under the lands, grounds and premises of any person or persons, bodies corporate or politic or collegiate, or any lands of the crown, and to set out, ascertain, use and occupy such part or parts thereof as they the said commissioners, or their successors, shall think
 45 necessary and proper for the making and maintaining of the said works, or part thereof, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing,
 50 altering or repairing the same, and for distributing water to the inhabitants of, and to the corporation of the village of Parkdale, or for the use of the corporation of the said village or of the proprietors or occupiers of the lands through or near which the same may pass, to the municipalities hereinbefore
 55 mentioned, and the inhabitants thereof, and to those to whom they, the said commissioners are hereby empowered to supply the same, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to

Lands, privi-
 leges and
 works to be
 vested in the
 corporation of
 Parkdale.

alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, 5 to be ascertained, in case of disagreement, by arbitration as aforesaid, and all such water-works, pipes, erections and machinery, requisite for the said undertaking, shall likewise be vested in and be the property of the said corporation of the said village of Parkdale:  Provided always that the powers 10 and rights by this section given to or vested in the said commissioners or the corporation of the village of Parkdale shall not be enjoyed or exercised within the said city of Toronto or the village of Yorkville or the village of Brockton, except to such extent and subject to such conditions as by any by-law 15 in that behalf the council of the said city or of either of the said villages respectively shall provide and require: Provided further that it shall not be necessary to obtain such consent from the city of Toronto to enable the said commissioners to lay water or gas mains or other works in connection therewith 20 on Dufferin street in the said city for the purpose of supplying the residents on the west side thereof with gas, or water for purposes of fire protection. 

Power to carry
pipes over and
across
property.

7. Where there are buildings within the *village of Parkdale* aforesaid, the different parts whereof belong to different 25 *proprietors or shall be in possession of different* tenants or lessees, the said commissioners shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the water to that of another, *the* 30 *pipes being carried up and attached to the outside of the building*, and, also, to break up and up-lift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said commis- 35 sioners doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any 40 of the said powers subject to which provisions this Act shall be sufficient authority for doing any of the things aforesaid.

Power to enter
on lands.

8. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby 45 authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the village of Parkdale and the township of York, to set out and ascertain such parts thereof as they may require for the purposes of said gas-works, and to contract with the owner or occupier 50 of said lands for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said commissioners, and in case of any disagreement between said commissioners and the owners or occupiers of the said lands, or any such privilege, as aforesaid, respecting the 55 amount of purchase or value thereof, or as to the damage such appropriation shall cause to them or otherwise, the same

shall be decided by arbitration in the same manner as is provided in the fifth section of this Act, and the proceedings on such arbitration shall be as therein set forth.

9. Under and subject to the provisions contained in
 5 section thirteen, chapter thirty-nine, of an Act passed in the
 fortieth year of Her Majesty's reign, intituled "An Act respect-
 ing the city of Toronto, the Toronto Water Works, and other
 matters,"  which said section thirteen shall for the purposes
 of this Act be held as applying to and including the village of
 10 Brockton and the village of Yorkville, in the same manner and
 to the same extent as the said section applies to and includes
 the city of Toronto, the said commissioners  may break up,
 dig and trench so much and so many of the public streets, roads,
 squares, highways and other public places either of the village of
 15 of Parkdale, the city of Toronto, the village of Yorkville, *the vil-
 lage of Brockton*, and the township of York, as may at any time be
 necessary or required for laying down the mains and pipes to
 conduct the gas from the works of the said commissioners to
 the consumers thereof, whether within or beyond the said
 20 limits of the said village of Parkdale, or into, through, or over
 any part of the city of Toronto, the village of Yorkville afore-
 said, *the village of Brockton aforesaid*, or of the township of York,
 or for taking up, renewing, altering or repairing the same when-
 ever the said commissioners shall deem it expedient; doing no
 25 unnecessary damage in the premises, and taking care as far as
 may be to preserve a free and uninterrupted passage through the
 said streets, squares and public places, while the works are in
 progress, and making the said opening in such parts of the said
 streets, squares and public places, as the council of the city, vil-
 30 lage or township, as the case may be, shall reasonably permit and
 point out, also placing such guards or fences and such lamps,
 and taking all such precautions as may be necessary for the
 prevention of accidents to passengers and others, which may
 be occasioned by such openings; also finishing the work and
 35 replacing the said streets, squares, and public places, in as good
 condition as before the commencement of the work, without
 any unnecessary delay: Provided, that for the purpose of lay-
 ing mains it shall not be lawful for the said commissioners,
 except with the written consent of the engineer of the city of
 40 Toronto, or the person for the time being acting as such,  or
 the reeve or head of the council of either of the said villages as
 the case may be,  to break up or interfere with any of the
 streets, squares, lanes or passages of the said city of Toronto,
or of either of the said villages as the case may be, until after
 45 thirty days' notice in writing of such intention shall have been
 given to the said engineer, or the person for the time being
 acting as such, if any, *or to the said reeve or head of the council
 as the case may be*, but that it shall be lawful for the said com-
 missioners to break up and interfere with such streets, squares,
 50 lanes or passages for the purpose of laying service pipes and for
 repairing any pipes in case of accident, without giving any such
notice as aforesaid: Provided further, that unless any street,
 lane, square or passage broken up for the purpose of laying
 mains, or for any other purpose by the said commissioners is
 55 within forty-eight hours thereafter, restored to its original con-
 dition and so kept in repair by the said commissioners for six
 months, ordinary wear and tear excepted, the said engineer or
 reeve or head of the council *as the case may be*, may at any time

Company
may break up
streets, &c.

within the said period of six months after forty-eight hours' notice in writing of such non-repairs at the head office of the said commissioners, order the same to be restored to its former condition at the expense of the city, *or village as the case may be*, and deduct the cost of such repairs from any money due by the corporation of the *said city or village as the case may be*, to the said commissioners, or the same may be recovered at the suit of *such* corporation against the said commissioners in any court of competent jurisdiction.

Power to carry
pipes to build-
ings, etc.

10. Where there are buildings within any of the municipali-
ties aforesaid, the different parts whereof belong to different
proprietors or are in possession of different tenants or lessees, the
said *commissioners* shall have power to carry pipes to any part of
any building so situate, passing over the property of one or
more proprietors, or in possession of one or more tenants to con-
vey the gas to that of another, or in possession of another, the
pipes being carried up and attached to the outside of the build-
ing, and also *for the same purpose* to break up and uplift all
passages which may be a common easement to neighbouring
proprietors, and to dig or cut trenches therein for the purpose of
laying down pipes or taking up or repairing the same, the said
commissioners doing as little damage as may be in the execution
of the powers granted by this Act, and making satisfaction
thereafter to the owners or proprietors of buildings or other
property, or to any other party for all damages to be by them
sustained in or by the execution of all or any of the said powers
subject to which provisions, this Act shall be sufficient to indem-
nify the commissioners or their servants or those by them
employed, for what they or any of them shall do in pursuance of
the powers granted *hereby*.

Company may
hold land, con-
struct build-
ings, etc.

11. The said commissioners may from time to time make
construct, lay down, maintain, alter or discontinue such retorts
gasometers, receivers, and buildings, cisterns, engines, machines
and other apparatus, cuts, drains, sewers, water-courses, reser-
voirs, machinery and other works, and also such houses and
buildings upon the lands hereby authorized to be held and pur-
chased by the said commissioners and do all other acts necessary
and convenient as they shall think proper for manufacturing
and supplying the inhabitants within the limits of this Act with
gas; and may also sell, dispose of, or manufacture the refuse of
any such gas, and any coke, tar, surplus coal, or coal not found
to answer for making gas, or any other of their real or personal
property ceasing to be required for their purposes.

Construction
of pipes and
meters.

12. The commissioners may, *doing no unnecessary damage
by reason thereof*, lay any pipes, branches or other necessary
apparatus from any main or branch pipe, into, through, or against
any building for the purpose of lighting the same *with gas*,
and may provide and set up any apparatus necessary for secur-
ing to any buildings a proper and complete supply of gas, and
for measuring and ascertaining the extent of such supply.

Streets, etc.,
where pipes
are being laid
to be kept free,
and precaution
taken against
accidents.

13. In case the said commissioners open or break up any
street, square, or public place in the said city of Toronto, vil-
lage of Yorkville, *village of Brockton*, or township of York,
the passage of the said street, square or public place as far as
may be, free and uninterrupted, or to place such guards or

fences, or such lamps, or to place such watchmen or to take every such precaution as may be necessary for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places without unnecessary delay as hereinbefore provided, the council of the said city, village, or township, as the case may be, after notice in writing to the said commissioners, shall cause the duty so neglected forthwith to be performed, and the expense thereof shall be defrayed by the said commissioners on its being demanded by the treasurer of the municipality, at any time not less than one month after the work shall have been completed in any case, from the said commissioners, or in default of such payment the amount of such claim may be recovered from the said commissioners at the suit of the corporation of the municipality, by civil action in any court of competent jurisdiction.

 14. The main and service pipes that shall be laid down by the said commissioners shall be at least three feet from those of any other main or service pipe then laid down for the purposes of either gas or water service, or where this shall be impracticable, as nearly so as the circumstances of the case shall admit: Provided always that if any difference shall arise between the said commissioners and any person as to the practicability of the said commissioners so laying their pipes that they shall be at a distance of at least three feet from those of any such other main or service pipe so then laid down as aforesaid, then such difference shall, if relating to the laying of said pipes within the city of Toronto or the said village of Parkdale, be decided by the engineer of the said city, and if relating to the laying of pipes within any other municipality, by a civil engineer to be appointed by the council of such municipality, who, if he shall be of opinion that it is not practicable to lay down the pipes at such distance as aforesaid, shall direct the mode in which the pipes shall be laid at such place and the distance at which they shall be apart, not exceeding the distance aforesaid: Provided always an appeal shall lie from any such decision of such engineer to the judge of the county court of the county of York. 

Distance of
main pipes
from those
of other
companies.

15. The main pipes laid down by the said commissioners shall have the initials of the corporate name of the said commissioners cast upon each of them, and also the ends of the service pipes and stop-cocks which appear in the cellars of the houses or buildings to be supplied with gas, shall be legibly and permanently stamped or marked with the said initials to distinguish them from those of any company, under a penalty of twenty-five dollars for each offence or neglect thereof, which penalty shall be paid to the corporation or person prosecuting, and shall be recovered by civil action in any court of competent civil jurisdiction.

Main pipes to
be stamped
with initials
of company.

16. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners, or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water or gas so that the same shall run useless out of the said works, or if any person shall throw or deposit any injurious,

Offences and
penalties.

noisome or offensive matter into the said water or water-works or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, water or gas, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof, before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for the purposes of said works, and the other half to him or her who shall lay the information, and, in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for the purposes of the said works, and such justice may also, in his discretion, further condemn such person to be confined in the common gaol for the county of York, for any period not exceeding one calendar month, as to such justice shall seem meet, and such person or persons so offending, notwithstanding any such conviction as aforesaid, shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

Material
exempt from
execution.

17. All materials procured, or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Books and
accounts to be
kept by com-
missioners.

18. The said commissioners shall be and are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings in which the accounts relating to the water works, shall be separate and distinct from those relating to the gas works, and the commissioners and the clerks employed in their service shall before entering on their respective duties, be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the village of Parkdale, or of any person or persons appointed for that purpose by the council of the corporation of the village of Parkdale, and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the village of Parkdale, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same respectively; and the commissioners and their successors shall from time to time, in each year, deliver to the council of the said corporation, such other statement of the affairs of the said water-works and gas-works, as the said corporation may consider necessary, and which will afford to the inhabitants of the village of Parkdale a full and complete knowledge of the state of affairs of the said water-works and gas-works, and such information as may be required by the corporation of the said village, and all the accounts relating to said water-works and gas-works may be audited by the auditor of the said corporation in regular course.

Inspection of
books.

Statements to
be furnished to
corporation.

Use of water
supply no dis-
qualification
for council.

19. No person shall be held to be disqualified from being elected, or sitting as a member of the council of the municipal corporation of the village of Parkdale, by reason of his being

a taker or consumer of water or gas, supplied by the commissioners or the corporation, or by reason of any dealing or contract with the commissioners or the corporation, with reference to the supply of water or gas to such person.

- 5 **20.** The commissioners for the time being shall regulate the distribution and use of the water and gas in all places, and for all purposes where the same may be required, and from time to time shall fix the prices for the use and consumption thereof, and the times and manner of payment, and they shall
 10 erect such number of public hydrants and such street lamps for lighting, and in such places as the council of the village may direct: Provided always that all hydrants, conduits, or other appliances for the conveyance of water or gas which the corporation of the village of Parkdale may require under this
 15 Act *within the said village*, for the purpose of extinguishing fires, or watering or lighting the streets, shall be placed as the corporation of the said village shall direct, and shall be under their exclusive control and direction when erected; and the said commissioners are hereby empowered, at pro-
 20 per hours of the day, and upon reasonable notice given and request made by them for that purpose, to place meters for either gas or water, as the case may be, upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for
 25 the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the necessary appliances connected therewith, and the times when and the manner in which the
 30 same shall be payable, and also to charge for and recover the expenses of such alterations, and such price, and the expense of such alterations may be collected in the same manner as water or gas rates: Provided that no service-pipe, fittings or meters, belonging to the said water works or gas works, shall
 35 be subject to distress for rent due to any landlord in respect of premises, wherein the same may be.

Regulations as to use of water

Proviso.

Proviso.

- 21.** If any person shall wilfully damage or cause to be damaged, any such meter or any service pipe or fittings, or wilfully alter any such meter, so as to lessen or alter the amount
 40 of water or gas registered thereby, as the case may be, or so as to cause the quantity registered or used to be falsely indicated, or shall wilfully remove, destroy, damage, fraudulently alter, or in any way injure any pipe, pedestal, post, plug, lamp, or other apparatus or thing belonging to the said work, or wilfully
 45 extinguish any of the public lamps or lights, or waste or improperly use or suffer to be used, any of the gas or water supplied from said works, he shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any justice of
 50 the peace for the county of York, and in case the said penalty and costs are not paid forthwith, the justice may commit the offender to the common gaol of the county of York, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid.

Penalty on persons injuring or altering meters, etc.

- 55 **22.** The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate

Water rates.

or rent, which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment, and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her, or their property, by the water-works and the locality in which the same is situated ; and said commissioners shall, from time to time, fix the price and rate per thousand feet of gas which any owner or occupant as aforesaid, to whom the same shall be supplied, shall pay therefor, and the times of payment, and such water rate as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid, upon such real estate, and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

Lien for rates.

Rates to be paid over to treasurer.

23. All water and gas rates and rents when collected, less disbursements, by the commissioners, shall be paid over monthly by the commissioners to the treasurer of the said village of Parkdale, and by him shall be placed to the credit of the gas and water accounts respectively, and the commissioners shall have power to make and enforce all necessary by-laws, rules and regulations for the general maintenance or management and conduct of the said water and gas works, and the officers and others in their employ, not inconsistent with this Act, and for the collection of said water and gas rates, or rents, and for fixing the times, which shall be quarterly, when and the places where the same shall be payable ; also for allowing a discount for pre-payment, and in case of default in payment, to enforce payment by shutting off the gas or water, or both, as the case may be, or by suit at law, in any court of competent jurisdiction, or by distress and sale of the goods and chattels of any owner or occupant *supplied with such gas or water*, or of any goods or chattels in his possession, wherever the same may be found, within the village of Parkdale or the county of York, or of any goods or chattels found on the premises, the property of, or in the possession of any other occupant of the premises ; such distress and sale shall be conducted in the same manner as sales for taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act : Provided that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien (*if any*) upon such premises.

Power to employ assessors, collectors, etc.

24. The commissioners, by by-law, shall have power, with the consent of the corporation of the village of Parkdale, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed and to fix their compensation, and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf ; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall, *within the said village of Parkdale*, have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the said village of

Parkdale may by law possess and enjoy; and the commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province.

Protection in
exercise of
office.

25. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of said water-works or gas works, or in any way obtain or use any water or gas therefrom, or furnish them or either of them to others, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works or gas works purposes respectively, *as the case may be*, the sum of one hundred dollars in each case, and also a further sum of five dollars for each pipe or main for each day during which such pipe or main shall so remain, which sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province, having jurisdiction to that amount.

Using water
without con-
sent.

26. If any person shall bathe or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply, *and, not being within the city of Toronto*, for such water-works in any lake, river, pond, creek, spring, source or fountain, from which the water of the said water-works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain, to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence, not exceeding twenty dollars, together with costs, one-half to be applied to water-works purposes, and the other half to him or her who shall lay the information; and in case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice may also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

Bathing, etc.,
within one
mile of source
of water sup-
ply prohibited.

27. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary, for prohibiting by fine, not exceeding twenty dollars, for water-works purposes, or imprisonment not exceeding one calendar month, (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof), any person being occupant, tenant or inmate of any house supplied with water from the said works, from lending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried

Power to make
by-laws pro-
hibiting
wrongful use
of water, and
regulating
supply.

away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, 5 manner, extent and nature of the supply of water by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every matter or thing relating thereto or connected therewith, which it may be necessary or proper to direct, re- 10 gulate or determine, for issuing to the inhabitants of the said village a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Cost of laying service pipes across vacant spaces, how defrayed.

28. In all cases where a vacant space intervenes between 15 the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water-rates, and to be 20 collected in the same manner from the said owners.

Service pipes, stop-cocks, meters, etc.

29. The service pipes from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, meters and apparatus placed therein by the commissioners, shall be under their con- 25 trol, and if any damage be done to this portion of the service pipes or their fitting, either by neglect or otherwise, the commissioners may repair the same, and charge the cost thereof to the occupant or owner of the premises; the stop-cock placed by the commissioners inside the wall of the building shall 30 not be used by the water tenant, except in cases of accident or for the protection of the building, or the pipes, and to prevent flooding of the premises.

Taps.

30. All parties supplied with water by the commissioners may be required to place only such taps for drawing and 35 shutting off the water, as may be approved of by the commissioners.

Non-liability or breakage.

31. Neither the said commissioners nor the corporation of the village of Parkdale, shall be liable for damages caused by the breaking of any service pipe or attachment *for the service* 40 *of water*, or for any shutting off of the water or gas to repair mains, or to tap pipes, provided notice be given of the intention to shut off the water or gas where the same is shut off more than six hours at any one time.

Power to inspect buildings.

32. It shall be lawful for the officers of the said commission- 45 ers, and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given, and request made for that purpose, to all parts of every building in which water or gas, or either, is delivered and consumed, and also in like manner to enter into and upon the 50 lands and houses of any person or corporation for the purpose of erecting water and gas meters therein, and for the purpose of inspecting or altering the same.

33. If any person or persons not being in the employment of the commissioners, or not being a member of the fire brigade of the village of Parkdale, and duly authorized in that behalf, shall wilfully open or close any hydrant, 5 or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding 10 twenty dollars, for water-works purposes; or, in default of payment, be imprisoned in the gaol of the county for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day or part of a day, night, or part of a night, said obstruction shall continue, shall be considered 15 a separate offence.

Interference with hydrants, etc., prohibited.

34. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum of commissioners.

35. The said commissioners shall have full, entire and 20 exclusive possession, control and management of the said lands, water and gas-works, and all things appertaining thereto, and may, in the name of "The Water and Gas Commissioners of the village of Parkdale," prosecute or defend any action or proceeding at law or in equity against any person or persons, 25 or body corporate or politic, for money due for the use of water or gas, or both, for the breach of any contract, express or implied, touching the execution or management of the works, or distribution of the water or gas, or of any promise to or contract with them, and also for any injury, damage, 30 trespass, spoil, or nuisance, or other wrongful act, done or suffered, or any unlawful interference with the water courses, source of water supply, gas-works, water or gas-pipes, or any pedestal, post, plug or lamp, or any machinery, or any apparatus belonging to or connected with any part of the 35 works, or for any improper use or waste of gas or water, or for any wilful extinguishing of public lamps or lights, or for anything otherwise arising out of their said office as commissioners.

Exclusive control of lands, etc.

Commissioners may sue or be sued.

36. The commissioners are hereby empowered to arrange 40 for the extension of pipes, in suburbs or partially built portions of the village of *Parkdale*, by allowing a deduction from the price charged for the water and gas, or either, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions 45 of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time 50 and collected in the same manner as the water or gas rates.

Cost of extending supply to suburbs.

37. The commissioners shall have power and authority to supply any corporation, person or persons with water and gas, or either, although not being a resident within the said village of Parkdale, and may exercise all other powers necessary to

Powers to supply water and gas outside of Parkdale.

the carrying out of their agreements with such corporations or persons, as well within the city of Toronto, the *village* of Yorkville, the village of Brockton, and the townships of York and Etobicoke, as within the said village of Parkdale, and they may, also, from time to time, make and carry out any agreement, which they may deem expedient for the supply of gas and water, or either, to any railway company or manufactory within the aforesaid limits: Provided that no power or authority shall be exercised under this clause without the consent and approbation of the council of the village of Parkdale. 5 10

Limitation of actions.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or, in case there shall be a continuation of damages, then within one year after the original cause of action arising. 15

Power to issue debentures.

39. For the purpose of constructing the said water-works or gas-works, or both, and purchasing all the machinery and materials connected therewith, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of Parkdale shall have power to issue debentures, none of which shall be for a less sum than one hundred dollars, for a sum of money not exceeding one hundred thousand dollars, which debentures shall be made payable in thirty years, at farthest, from the date of the respective issues thereof, and shall bear interest at a rate *not to exceed* seven per centum per annum, such interest to be payable half-yearly, and such debentures shall be signed by the reeve and treasurer of said village for the time being, and the council of the said village, shall, after the completion of said works, and for the purpose of providing a sinking fund for the payment of said debentures and the interest thereon, levy annually, by a general assessment, in such manner as general rates are levied under the Municipal Act, such sum as may be necessary to pay the interest upon and provide a sinking fund for the payment of said debentures as the same shall fall due respectively: Provided, however, that, before the issue of such debentures, the council of the said village of Parkdale shall pass a by-law for that purpose, which shall, before the final passage thereof, be submitted to and receive the assent of the majority of the electors of the village of Parkdale, voting upon such by-law in the manner required by the Municipal Act and amending Acts, now passed or hereafter to be passed, for the submission of by-laws to the electors, and such by-law may be in the form contained in schedule "A" to this Act; such debentures, when issued, shall be deposited in some of the chartered banks having an office in the city of Toronto, and the proceeds thereof, when sold, shall be deposited in some chartered bank in the city of Toronto to the credit of a special and separate account, and the same shall be paid out only in pursuance of a resolution of the council of the village of Parkdale, and on the cheque of the reeve thereof for the time being, and the chairman for the time being of the board of said commissioners. 20 25 30 35 40 45 50 55

40. After the construction of the works all the revenues arising from or out of the supplying of water or gas, or from the real or personal property connected with the said water-works and gas-works, or either, to be acquired by the said commissioners under this Act, shall, after providing for the expenses attendant upon the maintenance of the said works, be paid over to, and deposited monthly with the treasurer of the said corporation of the village of Parkdale, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly.

Application of
revenues.

41. The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining or belonging to the water-works or gas-works, or both, being within the village of Parkdale, shall be exempt from assessment and taxation.

Exemption
from taxation.

42. The watchman and other officers of the said commissioners, when in discharge of their duty, shall be, *ex-officio*, possessed of all the powers and authorities of officers of the peace.

Officers to be
ex-officio officers of the
peace.

43. There shall be three commissioners, of whom the reeve of the village of Parkdale, for the time being shall be *ex-officio* one, and two of whom shall be elected by the ratepayers of the said village, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the village of Parkdale may by by-law, before their election, determine.

Commission-
ers, how ap-
pointed

44. The said commissioners shall hold office for the term of one year, and until their successors are appointed and elected, except the commissioners first elected, who shall hold office until the first Monday of January next following their election; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as for the election of the reeve of the said village, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to reeves shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise, and each commissioner so elected or appointed shall, during the whole period of his appointment or term of office, be possessed in his own right, or in right of his wife, of a legal or equitable freehold, within the village of Parkdale, of the value of three thousand dollars, over and above all incumbrances, or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some justice of the peace in the county of York.

Term of office.

Qualification.

45. Whenever the by-law authorizing the construction of the said water-works and gas-works, or either, shall have been finally passed by the council, a meeting of the electors of the said village shall take place, for the nomination of two persons for the office of water and gas commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar to those in the case of the nom-

First election
of commis-
sioners.

ination for reeve; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in 5 in the said village at the places, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in like manner as an election for reeve; but the provisions of this section shall not prevent the first election of such commissioners from being held at the 10 same time as the annual election of municipal councillors.

Vacancies in office.

46. A commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of commissioner during the term of his 15 office, the council of the corporation of the village of Parkdale shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled. 20

No commissioner or councilman to hold contract in connection with works.

47. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no deputy-reeve or councilman shall be eligible for election or appointment as a commissioner, and no commissioner as coun- 25 cilman.

Works may be constructed directly by corporation.

48. Notwithstanding the provisions of this Act authorizing the construction of the said water and *gas-works* through the agency of commissioners, the corporation of the village of Parkdale in the by-law authorizing the construction of said water- 30 works and gas-works, or either, and referred to in the thirty-first section of this Act, may declare that the said water-works and gas-works, or either, shall not be constructed by or through the agency of commissioners, but instead thereof, that the said works shall be constructed directly by the said corporation of 35 the village of Parkdale; and in case the said corporation shall so desire to construct the said works, then all the powers, rights, authorities, duties and liabilities by this Act, given to, granted or vested in or imposed on the said commissioners, shall be vested in the said corporation, and the council of the 40 said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this act.

49. In case the corporation of the village of Parkdale shall desire to substitute the electric or other light in lieu of gas, 45 they shall have full power so to do, and all the rights and privileges of this Act, as relating to the building of gas-works and the distribution and sale of gas, and the right to collect the rate therefor, and all other rights and privileges in connection therewith, shall apply also to such electric or other light. 50

Works may be constructed by a company or otherwise.

50. In case the corporation of the village of Parkdale shall not see fit to construct the said water-works or gas-works, or either, by or through the agency of commissioners or directly by the said corporation, the said corporation may, in the by-

law referred to in the thirty-first section of this Act, declare it advisable to have the said works constructed either by a corporate company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient.

51. In case the corporation of the village of Parkdale shall desire to construct the said works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting on any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of the qualified voters in the proposed by-law mentioned in the thirty-first section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Approval by electors of mode of construction necessary.

52. The council of the corporation of the village of Parkdale shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works or gas-works, or either, and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the village of Parkdale or upon the said council.

Delegation of powers by corporation.

53. The corporation of the said village, in case the construction of the works be entrusted to commissioners, as hereinbefore provided, may, by by-law, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with the works, and, in such case, all the rights, powers, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners shall be vested in the said corporation, which shall also be vested with, and have all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Corporation may assume the construction of works.

54. Provided always that none of the rights or powers given to or vested in the said commissioners by this Act shall be used or exercised by them within the city of Toronto, the village of Yorkville, or the village of Brockton, save to such extent and in such manner as the council of the said city or of either of the said villages, as the case may be, may with respect to its own municipality from time to time by by-law in that behalf permit and authorize, and always subject to and upon the terms, conditions and restrictions in any such by-law contained; and no such by-law shall be passed by any such council unless and until two weeks previous notice of the intention to introduce such by-law shall have been first given at a meeting of such council.

Powers not to be exercised in Toronto, etc., without special authority.

SCHEDULE "A."

A by-law to provide for the issue of water-works debentures to the amount of \$ under the authority of "An Act respecting water and gas-works at Parkdale."

Whereas, the said recited Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding dollars; and whereas a by-law authorizing the construction of water-works and gas-works (or either) for the village of Parkdale, by the authority of the said recited Act, has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of

Be it therefore enacted by the municipal council of the corporation of the village of Parkdale as follows:—

1. It shall be lawful for the corporation of the village of Parkdale to raise by way of loan from any person or body corporate who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of dollars, and to cause the same to be paid into the Bank of at the City of Toronto, to be kept and applied in the manner provided in section thirty-one of the said Act.

2. The reeve may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars, or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said village, and signed by the reeve and treasurer thereof.

3. The said debentures shall be made payable in years at furthest, from the date of the respective issue thereof, either in sterling money of Great Britain, or currency of this Province, or Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council on the day in the year of our Lord one thousand eight hundred and eighty , and given under the corporate seal of the said municipality.

Clerk.

Reeve.



No. 23.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting Water and Gas Works at
Parkdale.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. PATERSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Phoenix Mutual Fire Insurance
Company of Ontario.

WHEREAS the Phoenix Mutual Fire Insurance Company of Preamble.
Ontario has, by petition, prayed to be authorized to raise
a share capital and to transact a cash premium business as well
as a mutual business; and whereas it is expedient to grant the
5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Phoenix Mutual Fire Insurance Company may raise Stock.
10 a share or stock capital of not less than one hundred thousand
dollars, and may increase the same from time to time, to a
sum not exceeding five hundred thousand dollars.

2. The said capital shall consist of shares of one hundred Shares.
dollars each, and shall be allotted ratably to such persons as
15 may subscribe therefor, in the manner prescribed by the board
of directors.

3. Every subscriber shall, upon allotment of one or more Liability of
shares to him, become a member or corporator of the said com- shareholders.
pany, with all incidental rights, privileges and liabilities; and
20 shall be liable to pay the amount of such shares to the com-
pany, in such proportions, and at such times as may, from time
to time, be fixed by the board of directors; and at all meetings
of the company each shareholder shall be entitled to one vote
for each share held by him on which all calls shall have been
25 paid; provided that no shareholder shall be liable for the debts, Proviso.
engagements or liabilities of the company or otherwise howso-
ever, beyond the amount of his said shares or any balance un-
paid thereof.

4. The said shares shall be personal estate and shall be Transfer of
30 transferable, but no transfer shall be valid unless made on the shares.
books of the said company; and until fully paid up, no share shall
be transferable without the consent of the board of directors,
nor shall any transfer be valid while any call, previously made,
remains unpaid; and the company shall have a lien on the
35 shares of any shareholder for unpaid calls or other debts due
by him to the company, and for any obligation held by the
company against him, and after such call, debt, or obliga-
tion becomes due, the company may, upon one month's notice
to the shareholder, his executors, or administrators, sell such
40 shares or a sufficient portion thereof to pay such call, debt, or
obligation, and transfer the shares so sold to the purchaser.

Forfeiture of shares.

5. The company may also, after default made in the payment of any call upon any share for one month, and after notice having been first given, as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue 5
forfeited shares on such terms as they shall think fit, for the benefit of the company.

When company may commence business under this Act.

6. After the sum of one hundred thousand dollars of the said stock or share capital has been *bona fide* subscribed, and twenty thousand dollars paid thereon into the funds of the 10
said company, the said company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member or incorporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other 15
member thereof, beyond the cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company, but the company shall not transact any such business on the wholly cash principle without first procuring a licence from the Provincial Treasurer, and for this 20
purpose the provisions of the Ontario Insurance Act, except section nine, shall apply to the company, except so far as anything contained therein may be inconsistent with this Act.

Dividends.

7. The net annual profits and gains of said company, not including therein any premium notes or undertakings, shall 25
be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company.

Qualifications of directors.

8. After the share capital has been raised, as aforesaid, no 30
person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock, to the amount of five thousand dollars, on which 35
all calls have been fully paid and satisfied.

Premiums for insurance on mutual principle.

9. The premium to be taken for every insurance by the company on the mutual principle shall consist of a sum of money to be paid in cash, and an undertaking in writing by the insured to pay a further sum, not exceeding the sum paid 40
in cash, as the same shall be assessed and demanded by the company, according to law and the by-laws of the company.

By-laws.

10. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect; and may rescind, alter, vary or add to the same from time to 45
time.

Fire Policy Act.

11. The Fire Insurance Policy Act shall apply to the said company.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Phoenix Mutual Fire
Insurance Company of Ontario.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. HAY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Phoenix Mutual Fire Insurance
Company of Ontario.

WHEREAS the Phoenix Mutual Fire Insurance Company of ^{Preamble.}
Ontario has, by petition, prayed to be authorized to raise
a share capital and to transact a cash premium business as well
as a mutual business; and whereas it is expedient to grant the
5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The *said* company may raise a share or stock capital of ^{Stock.}
10 not less than one hundred thousand dollars, and may increase
the same from time to time, to a sum not exceeding five
hundred thousand dollars.

2. The said capital shall consist of shares of one hundred ^{Shares.}
dollars each, and shall be allotted ratably to such persons as
15 may subscribe therefor, in the manner prescribed by the board
of directors.

3. Every subscriber shall, upon allotment of one or more ^{Liability of}
shares to him, become a member or corporator of the said com- ^{shareholders.}
pany, with all incidental rights, privileges and liabilities; and
20 shall be liable to pay the amount of such shares to the com-
pany, in such proportions, and at such times as may, from time
to time, be fixed by the board of directors; and at all meetings
of the company each shareholder shall be entitled to one vote
for each share held by him on which all calls shall have been
25 paid; provided that no shareholder shall be liable for the debts, ^{Proviso.}
engagements or liabilities of the company or otherwise howso-
ever, beyond the amount of his said shares or any balance un-
paid thereof.

4. The said shares shall be personal estate and shall be ^{Transfer of}
30 transferable, but no transfer shall be valid unless made on the ^{shares.}
books of the said company; and until fully paid up, no share shall
be transferable without the consent of the board of directors,
nor shall any transfer be valid while any call, previously made,
remains unpaid; and the company shall have a lien on the ^{Company to}
35 shares of any shareholder for unpaid calls or other debts due ^{have a lien.}
by him to the company, and for any obligation held by the
company against him, and after such call, debt, or obliga-
tion becomes due, the company may, upon one month's notice
to the shareholder, his executors, or administrators, sell such
40 shares or a sufficient portion thereof to pay such call, debt, or
obligation, and transfer the shares so sold to the purchaser.

Forfeiture of
shares.

5. The company may also, after default made in the payment of any call upon any share for one month, and after notice having been first given, as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or reissue 5
forfeited shares on such terms as they shall think fit, for the benefit of the company.

When com-
pany may com-
mence business
under this Act.

6. After the sum of one hundred thousand dollars of the said stock or share capital has been *bona fide* subscribed, and twenty thousand dollars paid thereon into the funds of the 10
said company, the said company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member or coporator of the company, or make him liable to contribute or pay any sum to the company or to its funds or to any other 15
member thereof, beyond the cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company, but the company shall not transact any such business on the wholly cash principle without first procuring a licence from the Provincial Treasurer, and for this 20
purpose the provisions of the Ontario Insurance Act, except section nine, shall apply to the company, except so far as anything contained therein may be inconsistent with this Act.

Dividends.

7. The net annual profits and gains of said company, not including therein any premium notes or undertakings, shall 25
be applied, in the first place, to pay a dividend on the said share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company.

Qualifications
of directors.

8. After the share capital has been raised, as aforesaid, no 30
person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock, to the amount of five thousand dollars, on which 35
all calls have been fully paid and satisfied.

By-laws.

9. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect; and may rescind, alter, vary or add to the same from time to time. 40

Fire Policy
Act to apply.

10. The Fire Insurance Policy Act shall apply to the said company.

BILL.

An Act respecting the Phoenix Mutual Fire
Insurance Company of Ontario.

(Reprinted as Amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. HAY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Port Royal and Lake
Shore Railway Company.

WHEREAS the construction of a railway from a point at Preamble.
or near the western terminus of the Port Rowan and Lake
Shore Railway in the county of Norfolk, thence along the
north shore of Lake Erie to a point at or near Amherstburgh
5 or Bar Point, or some point on the River Detroit in the county
of Essex, has become desirable for the development of the re-
sources of certain portions of the counties bordering on the
proposed line and for the public convenience and accommoda-
tion of the inhabitants thereof; and whereas William Collier,
10 Charles Dixon, Calvin Gates, W. Y. Emery, William Backhouse,
George Suffel, Manuel Payne, S. Shepherd, John Duck, and
George Thompson, and others, inhabitants of the counties
of Norfolk, Elgin, Kent, and Essex, have, by their petition,
prayed that they may be incorporated for the purpose of con-
15 structing such a railway, and it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

20 1. William Collier, Charles Dixon, Calvin Gates, W. Y. Incorporation.
Emery, William Backhouse, George Suffel, Manuel Payne, S.
Shepherd, John Duck, and George Thompson together with
such other persons and corporations as shall, in pursuance of
this Act, become shareholders of the company hereby incor-
25 porated are hereby constituted and declared to be a body cor-
porate and politic, by the name of "The Port Royal and Lake
Shore Railway Company."

2. The several clauses of the Railway Act of Ontario with Railway Act
of Ontario
applied.
30 respect to "interpretation," "incorporation," "powers," "plans
and surveys," "lands and their valuation," "highways and
bridges," "fences," "tolls," "general meetings," "president
and directors, their election and duties," "calls," "dividends,"
"shares and their transfer," "shareholders," "municipalities,"
"by-laws, notices, etc.," "working of the railway," "actions
35 for indemnity, and fines, and penalties, and their prosecution,"
and "general provisions," and also the several sections of
the said Act from thirty-seven to one hundred and three,
both inclusive, shall be incorporated with and deemed to be a
part of this Act and shall apply to the said company and to the
40 railway to be constructed by them, except only so far as they
may be inconsistent with the express enactments hereof; and
the expression "This Act" when used herein shall be understood
to include the clauses of the said Railway Act of Ontario so in-
corporated with this Act.

Location of
line:

3. The said company shall have full power under this Act to construct a railway from a point on Big Creek in the township of Walsingham in the county of Norfolk, at or near the western terminus of the Port Rowan and Lake Shore Railway, thence along the north shore of Lake Erie to a point at or near the village of Amherstburgh, or at or near Bar Point in the township of Malden in the county of Essex or to some point on the River Detroit in said county. 5

Gauge.

4. The gauge of the said railway shall be four feet, eight and one-half inches. 10

Form of
conveyance.

5. Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors, and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof. 15 20

Provisional
directors.

6. From and after the passing of this Act, the said William Collier, Charles Dixon, Calvin Gates, W. Y. Emery, William Backhouse, George Suffel, Manuel Payne, S. Shepherd, John Duck, and George Thompson shall be the provisional directors of the said company. 25

Powers of
provisional
directors.

7. The said provisional directors, until others shall be named as hereinafter provided shall constitute the board of directors of the company with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as under the Railway Act and other laws in force in Ontario, are vested in such boards. 30 35

Capital stock.

8. The capital stock of the company hereby incorporated shall be five hundred and eighty thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five thousand eight hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, or village on the line of such works may pay out of the gene- 40 45 50

ral funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of 5 stock.

9. On the subscription for shares of the said capital stock, each subscriber shall pay to the directors for the purposes set out in this Act ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some 10 chartered bank to the credit of the said company. Ten per cent. to be paid at time of subscription.

10. Thereafter calls may be made by the directors for the time being as they shall see fit provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber. Calls.

11. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank in Ontario (which shall on no account be withdrawn therefrom unless for the service of the company), the 15 directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company. First election of directors.

12. In case the provisional directors neglect to call such 25 meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than four thousand 30 dollars of the said capital stock and who have paid up all calls thereon. How meeting may be called, if provisional directors neglect to call the same.

13. In either case, notice of the time and place of holding such general meeting shall be by publication in two weekly newspapers, published in any of the counties aforesaid, once in 35 each week for the space of at least four weeks, and such meeting shall be held in the town of St. Thomas, at such place therein and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock who shall have so paid up ten per centum thereof, whether present in 40 person or represented by proxy, shall choose nine persons to be directors of the said company and may also make or pass such rules and regulations and by-laws as may be deemed expedient: Provided they be not inconsistent with this Act. Notice of general meeting. Election of directors.

14. Thereafter the general annual meeting of the share- 45 holders of the said company shall be held in the said town of St. Thomas, in such place and on such days and on such hours, as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in two weekly newspapers published in any of said 50 counties. Annual meetings.

15. Special general meetings of the shareholders of the said company may be held at such places in the of Special general meetings.

or and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company,

Votes.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 5 10

Qualification of directors.

17. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Quorum of directors.

18. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. 15

Aid from municipalities.

19. It shall be lawful for any township, town or village municipality, or any portion of any such township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of said company shall pass or be situated, to aid and assist the said company by subscribing for stock in the company, or by loaning or guaranteeing or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan, bonus, guarantee or stock subscription shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts. 20 25 30

Proviso.

Petition for aid by municipalities.

20. In case fifty persons, at least, rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any such municipality, or in any portion of a township municipality, do petition the council of such municipality, to pass a by-law as hereinafter set out, such petition if not from the whole township to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, the council of such municipality shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers; 35 40

(1) For raising the amount so petitioned for by such freeholders in such municipality, or in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal, with interest annually, in the manner provided for in section three hundred and thirty-two of the Municipal Act of Ontario, being chapter one hundred and seventy-four of the Revised Statutes of Ontario, with interest, and for the delivery to the trustees hereinafter mentioned, of the debentures for the said amount, at the times and on the terms specified in said petition; 45 50

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, said interest to be payable yearly or half yearly; which debentures the municipal councils, and the reeves and other officers thereof, are hereby authorized and required to execute and issue in such cases respectively.

21. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same. If by-law carried, the council to pass the same;

22. Within one month after the passing of such by-law, the said council and reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures.

23. In case any such loan, guarantee, stock subscription or bonus, be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Rate to be levied on part of municipality only.

24. The provisions of the "Municipal Act," and the amendments thereto, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply to the by-laws.

25. All by-laws submitted to such vote for granting bonuses or other aid to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. By-laws to be valid though exceeds two cents in the dollar.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. Exemption from taxation.

27. When any municipality shall grant a bonus or other assistance of not less than five thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his suc- Appointment of directors by municipalities.

cessor shall be appointed by the municipality which he represents.

Trustees for
debentures.

Proviso.

28. Whenever a municipality or portion of a township municipality, shall grant aid by way of bonus, stock subscription or gift, to the said company, the debentures therefor shall, as soon as possible, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that, if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice, in writing, to them of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such trustee or trustees; in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice, in writing, to make such appointment, the company may appoint such trustee.

Vacancies in
the office of
trustee.

29. Any of the said trustees may be removed, and a new trustee appointed in his place, at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Fees to
trustees.

30. The trustees shall be entitled to their reasonable charges, fees and expenses from said trust fund, and the act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts of
debentures.

31. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures, in some one or more of the chartered banks of the Dominion, in the name of the Port Royal and Lake Shore Railway Company municipal trust account, and to pay the same to the company from time to time, on the certificate of the chief engineer of the said company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is payable in pursuance of the terms and conditions (if such there be) of the by-law under which the said debentures were issued, and such certificate is to be attached to the cheque drawn by the said trustees.

Township
debentures
may be ex-
changed for
county
debentures.

32. Any county corporation in which county is or are situated, a township or townships, or a portion of a township that shall grant a bonus or bonuses, or any loan, stock subscription or other benefit, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships

or portion of a township, and, in exchange therefor, to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

- 5 33. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special
 10 general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned
 15 by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the
 20 real and personal property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property
 25 of the company aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and ninety thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid-up share
 30 capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company, within the Provinces of Ontario and Quebec; and provided also further, that in the event at any
 35 time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders: Provided that the bonds and any transfers thereof, shall have been first registered
 40 in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.
- 45 34. All such bonds, debentures, mortgages and other securities, and coupons, and interest warrants, thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of such securities so made payable to bearer may sue thereon in his own name.
- 50 35. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary, be shewn and in no case shall it be necessary to have
 55 the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the

Issue of bonds.

Proviso.

Proviso.

Proviso.

Bonds, etc. may be made payable to bearer.

Company may make promissory notes, etc.

secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company 5 to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Entering into contracts.

36. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of the said railway line or any part thereof including or excluding the procuring of the right of way for said railway line and to pay therefor either in cash or in bonds, or partly in paid up stock of said company or otherwise, as may be deemed expedient, 15 and any of such contractors may be shareholders or directors of said company any law, custom, or usage to the contrary notwithstanding: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or represented by proxy at a general 20 meeting of shareholders duly convened for considering the same.

Directors may be contractors.

Maps, plans and books of reference may be for sections of five miles or more.

37. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or 25 plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario and amendments thereto, with respect to plans 30 and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference 35 of any and each of such sections or portions of the said railway and all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in or incorporated with this Act, or otherwise applicable to the said railway company shall apply and extend to any and each of such 40 sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed 45 over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys.

Powers as to lands for stations, gravel pits, etc.

38. Whenever it shall be necessary for the purposes of pro- 50 curing sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage, than by 55 purchasing the railway line only the company, may purchase,

hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient.

5 **39.** Any municipality through which the said railway may pass is hereby empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the
10 said railway, and said company may receive from any government, or from any person, or body corporate, municipal or political, who may have power to make, or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, grant, gift, or loan in money or land
15 or debentures, or other securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon.

40. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter
into any arrangements concerning the same, with any tele-
20 graph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies are hereby conferred upon said company, and the provisions of any statutes for the working and protection of telegraph lines, shall apply to any such telegraph lines con-
25 structed by the company.

41. Where stone, gravel, or any other material, is required for the construction or maintenance of said railway or any part thereof, and such material is contiguous or near to the line of said railway, the provisions of the "Railway Act of Ontario,"
30 relating to the acquisition of lands for the railway line and station grounds, shall apply to the lands containing such material, and said company may proceed to acquire the same in precisely the same way as they are authorized to procure the line of the railway itself, except that it shall not be necessary
35 to file any map or plan or book of reference in respect of the lands hereby affected, or to publish any notice thereof under sections ten and nineteen of the "Railway Act of Ontario," and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said ma-
40 terial shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

42. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the
45 line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the "Railway Act of Ontario," and of this Act, except such as re-
50 late to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in
55 this and the preceding section may at all times be exercised.

and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Proviso.

(2.) When estimating the damages for the taking of materials under this and the preceding section, sub-section eight of section twenty of the "Railway Act of Ontario" shall not apply. 5

Delegation of authority to one or more directors.

43. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or 10 more of their number.

Aliens may be shareholders and directors.

44. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be 15 eligible to office as directors of the said company.

Snow fences.

45. Said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or of any corporation or person whomsoever, lying along the route or line of its railway, and to erect 20 and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of 25 April next following.

Proviso.

Commencement and completion of line.

46. The railway shall be commenced within two years and completed within eight years after the passing of this Act, or else the charter shall be forfeited.

Arrangements with other companies.

47. The company incorporated by this Act may enter into 30 any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other com- 35 pany or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by 40 both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof: Provided that the assent of 45 at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby 50 authorized to work the said railway, and in the same manner, as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

48. The said railway company shall, at all times, receive and carry cordwood, or any wood, or fuel at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations, in full carloads, and for green wood at the rate of three cents per ton per mile; the company shall further at all times furnish every facility necessary for the free and unrestricted traffic in cordwood and fuel to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor, or consignee of the said wood or fuel, shall load and unload the same on and off the cars of the said company or cause the same to be done at the expense of the said owner, consignor, or consignee, and in case any car is detained for more than twenty-four hours after its arrival at its destination, without being unloaded by the owner or consignee, then it shall and may be lawful for the said company to charge demurrage.

SCHEDULE A.

(Section 5.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Port Royal and Lake Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company, all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Port Royal and Lake Shore Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred

and

Signed, sealed and delivered }
in presence of }

(L.S.)

SCHEDULE B.

(Section 31.)

Chief Engineer's Certificate.

The Port Royal and Lake Shore Railway Company's Office,
Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Port Royal and Lake Shore Railway Company Municipal Trust Account,

given under section chapter of the Acts of the
Legislature of Ontario, passed in the year of Her
Majesty's Reign.

I, Chief Engineer for
the Port Royal and Lake Shore Railway Company do certify
that the said company has fulfilled the terms and conditions
necessary to be fulfilled under the by-law number of the
township of (or under the agreement dated the
 day of between the corporation of
 and the said company) to
entitle the said company to receive from the said trust the
sum of [here set out the terms and conditions,
if any, which have been fulfilled.]

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the Port Royal and
Lake Shore Railway Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. WIGLE.

TORONTO:

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An Act to incorporate the Port Royal and *Detroit River* Railway Company.

WHEREAS the construction of a railway from a point at Preamble.

or near the western terminus of the Port Rowan and Lake Shore Railway in the county of Norfolk, thence along the north shore of Lake Erie to a point at or near Amherstburgh or Bar Point, or some point on the River Detroit in the county of Essex, has become desirable for the development of the resources of certain portions of the counties bordering on the proposed line and for the public convenience and accommodation of the inhabitants thereof; and whereas William Collier, Charles Dixon, Calvin Gates, W. Y. Emery, William Backhouse, George Suffel, Manuel Payne, S. Shepherd, John Duck, and George Thompson, and others, inhabitants of the counties of Norfolk, Elgin, Kent, and Essex, have, by their petition, prayed that they may be incorporated for the purpose of constructing such a railway, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Collier, Charles Dixon, Calvin Gates, W. Y. Emery, William Backhouse, George Suffel, Manuel Payne, S. Shepherd, John Duck, and George Thompson together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated are hereby constituted and declared to be a body corporate and politic, by the name of "The Port Royal and *Detroit River* Railway Company." Incorporation.

2. The said company shall have full power under this Act to construct a railway from a point on Big Creek in the township of Walsingham in the county of Norfolk, at or near the western terminus of the Port Rowan and Lake Shore Railway, thence along the north shore of Lake Erie to a point at or near the town of Amherstburgh, or at or near Bar Point in the township of Malden in the county of Essex or to some point on the River Detroit in said county. Location of line.

3. The gauge of the said railway shall be four feet, eight and one-half inches. Gauge.

4. Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors, Form of conveyance.

and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than 5 seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

Provisional directors.

5. From and after the passing of this Act, the said William Collier, Charles Dixon, Calvin Gates, W. Y. Emery, William 10 Backhouse, George Suffel, Manuel Payne, S. Shepherd, John Duck, and George Thompson shall be the provisional directors of the said company.

Powers of provisional directors.

6. The said provisional directors, until others shall be named as hereinafter provided shall constitute the board of directors 15 of the company with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed 20 therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as under the Railway Act and other laws in force in Ontario, are vested in such boards.

Capital stock.

7. The capital stock of the company hereby incorporated 25 shall be five hundred and eighty thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five thousand eight hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such com- 30 pany, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money 35 shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, or village on the line of such works may pay out of the gene- 40 ral funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock. 45

Ten per cent. to be paid at time of subscription.

8. On the subscription for shares of the said capital stock, each subscriber shall pay to the directors for the purposes set out in this Act ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. 50

Calls.

9. Thereafter calls may be made by the directors for the time being as they shall see fit provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of

not less than three months, and thirty days' notice shall be given of each call as provided in section twelve. 

10. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have
5 been subscribed and ten per centum thereof paid into some chartered bank *having an office in the Province of Ontario* (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall
10 have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

First election of directors.

11. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum
15 thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than four thousand dollars of the said capital stock and who have paid up all calls thereon.

How meeting may be called, if provisional directors neglect to call the same.

20 12. In either case, notice of the time and place of holding such general meeting shall be by publication in *the Ontario Gazette* and in one newspaper published in each of the counties affected, once in each week for the space of at least four weeks, and such meeting shall be held in the town of St. Thomas, at such place
25 therein and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock who shall have so paid up ten per centum thereof, whether present in person or represented by proxy, shall choose nine persons to be directors of the said company and may also make or pass
30 such rules and regulations and by-laws as may be deemed expedient: Provided they be not inconsistent with this Act.

Notice of general meeting.

Election of directors.

13. Thereafter the general annual meeting of the shareholders of the said company shall be held in the said town of
St. Thomas, in such place and on such days and on such hours,
35 as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in  *the Ontario Gazette* and once a week for the same period in some newspaper published in each of the counties from which a bonus has been received. 

Annual meetings.

40 14. Special general meetings of the shareholders of the said company may be held at such places, at such times and in such manner and for such purposes as may be provided by the by-laws of the said company *upon such notice as is provided in the last preceding section.*

Special general meetings.

45 15. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder
50 seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Votes.

16. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at

Qualification of directors.

least ten shares of stock in the company and unless he has paid up all calls thereon.

Quorum of directors.

17. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every 5 of the powers hereby vested in the said directors.

Aid from municipalities.

18. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass 10 or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the pur- 15 pose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

19. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the 25 municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of 30 the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, 35 the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 40

Provisions for referring to arbitration disputes as to bonus by-laws.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain 45 minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitra- 50 tors, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof 55

therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order. 

10  21. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.  Deposit for expenses.

15  22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.  "Minor municipality," meaning of.

20  23. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law : Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.  Rate not exceeding three cents in the dollar valid.
Proviso.

25  24. Such by-law shall in each instance provide :— By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

30 (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 

45  25. In case such by-law be approved and carried in accordance with the provisions of the law in that behalf, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.  If by-law carried, the council to pass the same ;

50  26. Within one month after the passing of such by-law, the said council and reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.  And issue debentures.

 27. In case any such loan, guarantee, stock subscription or bonus, be so granted by a portion of the township municipality, Rate to be levied on part of municipality only.

the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 

Municipal Act
to apply to the
by-laws.

 **28.** The provisions of the "Municipal Act," and the amendments thereto, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 

Exemption
from taxation.

29. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Appointment
of directors by
municipalities

30. When any municipality shall grant a bonus or other assistance of not less than five thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Trustees of
debentures.

 **31.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. 

Proviso.

Trusts of
debentures.

 **32.** The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto,

as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Port Royal and Detroit River Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the schedule "B" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.
Act of two trustees binding.

34. Any county corporation in which county is or are situated, a township or townships, or a portion of a township that shall grant a bonus or bonuses, or any loan, stock subscription or other benefit, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and, in exchange therefor, to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Township debentures may be exchanged for county debentures.

35. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and ninety thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid-up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and de-

Issue of bonds.

Proviso.

livered to the company, within the Provinces of Ontario and Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors, and for voting, as are attached to shareholders: Provided that the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

36. All such bonds and coupons thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of *any such bonds* so made payable to bearer may sue *at law* thereon in his own name.

37. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary, be shewn and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

38. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of the said railway line or any part thereof including or excluding the procuring of the right of way for said railway line and to pay therefor either in cash or in bonds, or partly in paid up stock of said company or otherwise, as may be deemed expedient, and any of such contractors may be shareholders or directors of said company any law, custom, or usage to the contrary notwithstanding: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or represented by proxy at a general meeting of shareholders duly convened for considering the same.

39. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then

ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than *ten* miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in or incorporated with this Act, or otherwise applicable to the said railway company shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to plans and surveys.

40. Whenever it shall be necessary for the purposes of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only the company, may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, *but the compulsory clauses of the Railway Act shall not apply to this section.*

Powers as to
lands for
stations, gravel
pits, etc.

41. Any municipality through which the said railway may pass is hereby empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway, and said company may receive from any government, or from any person, or body corporate, municipal or politic, who may have power to make, or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, grant, gift, or loan in money or land or debentures, or other securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to com-
pany.

42. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same, with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies are hereby conferred upon said company, and the provisions of any statutes for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

Power to acquire quarries and gravel pits, etc.

 **43.** When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 

Sidings to gravel pits, etc.

44. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the "Railway Act of Ontario," and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Proviso.

(2.) When estimating the damages for the taking of *gravel, stone, earth or sand* under this and the preceding section, subsection eight of section twenty of the "Railway Act of Ontario" shall not apply.

Delegation of authority to one or more directors.

45. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Aliens may be shareholders and directors.

46. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Snow fences.

47. Said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or of any corporation or person whomsoever, lying along the route or line of its railway, and to erect

and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following. Proviso.

48. The railway shall be commenced within two years and completed within eight years after the passing of this Act, or else the charter shall be forfeited. Commencement and completion of line.

49. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies *so lawfully authorized* touching the use by one or the other, or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms *and tenor* thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Arrangements with other companies.

50. The said railway company shall, at all times, receive and carry cordwood, or any wood, or fuel at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations, in full carloads, and for green wood at the rate of three cents per ton per mile; the company shall further at all times furnish every facility necessary for the free and unrestricted traffic in cordwood and fuel to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor, or consignee of the said wood or fuel, shall load and unload the same on and off the cars of the said company or cause the same to be done at the expense of the said owner, consignor, or consignee, and in case any car is detained for more than twenty-four hours after its arrival at its destination, without being unloaded by the owner or consignee, then it shall and may be lawful for the said company to charge demurrage. Carriage of cordwood.

SCHEDULE A.

(Section 4.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Port Royal and *Detroit River* Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company, all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Port Royal and *Detroit River* Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.
As witness my (or our) hand and seal (or hands and seals) this
day of one thousand eight hundred

and

Signed, sealed and delivered }
in presence of }

(L.S.)

SCHEDULE B.

(Section 32.)

Chief Engineer's Certificate.

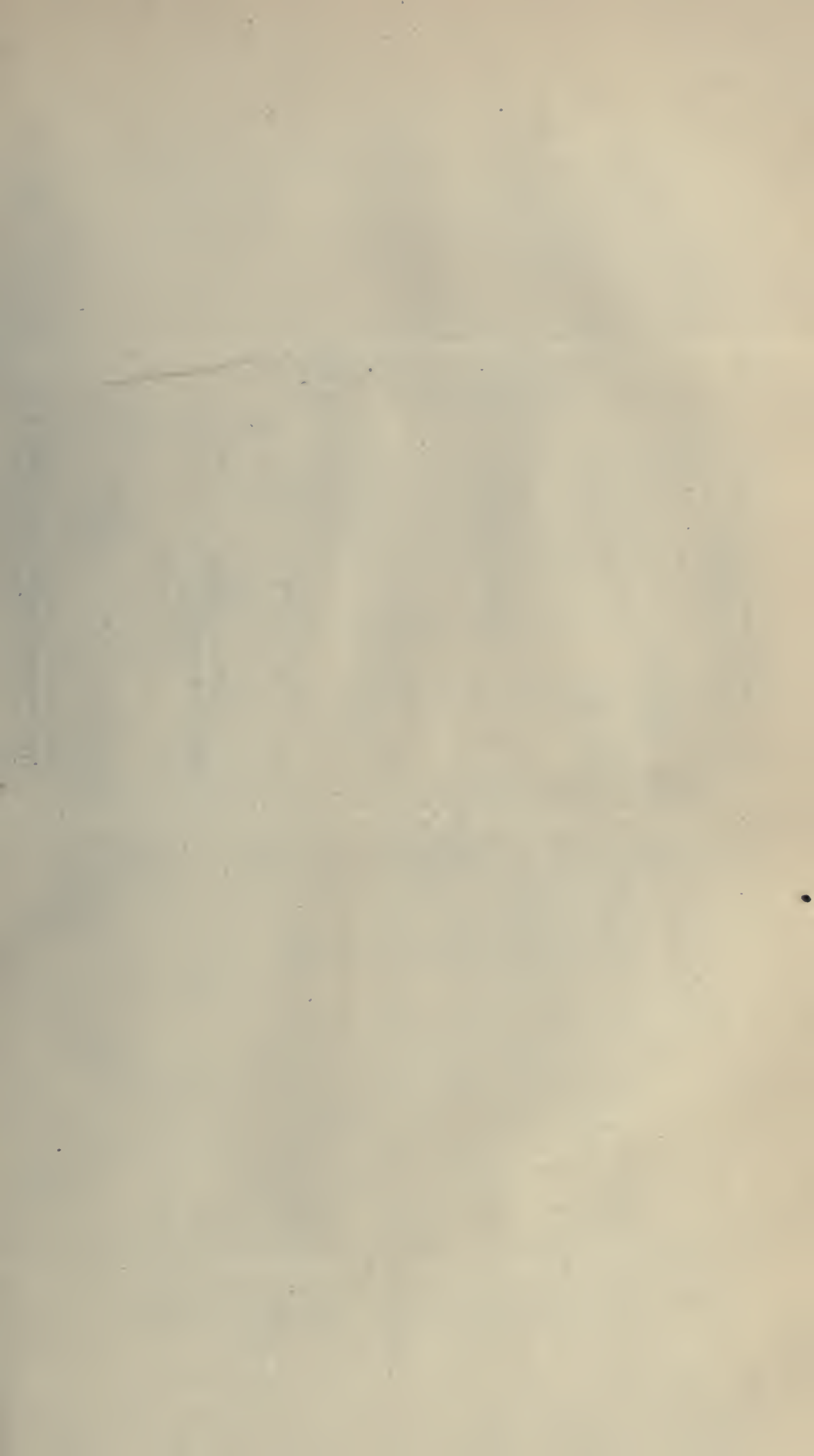
The Port Royal and *Detroit River* Railway Company's Office,
Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Port Royal and *Detroit River* Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, Chief Engineer for the Port Royal and *Detroit River* Railway Company do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled.*]



2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the Port Royal and
Detroit River Railway Company.

(Reprinted as amended).

First Reading, 28th January, 1881.

(PRIVATE BILL)

Mr. WIGLE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Port Rowan and Lake Shore
Railway Company.

WHEREAS the Port Rowan and Lake Shore Railway Com- Preamble.
pany have petitioned that an Act may be passed to
amend the Act of Incorporation of the said railway com-
pany, passed in the forty-third year of Her Majesty's reign,
5 and chaptered fifty-nine, and to grant to said company addi-
tional powers and privileges, and it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:—

1. The time limited in said Act for the completion of the Time for com-
said railway is hereby extended to eight years from the passing pletion ex-
of this Act. tended.

2. Section ten of said Act is hereby amended, by striking 43 Vic., c. 59,
15 out the words "The Town of Simcoe in the said county of s. 10, amended.
Norfolk," and substituting therefor the word "Ontario."

3. The said company may alter the route of the railway to Route may be
be constructed by them under said Act, so that the same may altered.
run from Port Dover in a westerly direction to a point on Big
20 Creek, in the township of Walsingham, along a line which shall
be within four miles from the village of Forrestville and with-
in four miles of the village of St. Williams, and within four
miles of Port Rowan and within four miles of Port Royal in
said Act mentioned.

25 4. The several clauses of the Railway Act of Ontario with Railway Act of
respect to "interpretation," "incorporation," "powers," "plans Ontario
and surveys," "lands and their valuation," "highways and applied.
bridges," "fences," "tolls," "general meetings," "president and
directors, their election and duties," "calls," "dividends," "shares
30 and their transfer," "shareholders," "powers of municipalities,"
"by-laws, notices, etc.," "working of the railway," "actions
for indemnities, and fines and penalties, and their prosecution,"
and "general provisions," and also the several sections of said
Act, from thirty-seven to one hundred and three inclusive, shall
35 be incorporated with and deemed to be a part of said Act, in-
corporating said company, and shall apply to the said company
and to the railway to be constructed by them, except only so
far as they may be inconsistent with the express enactments
of said last mentioned Act or of this amending Act, and the
40 expression "this Act," when used in the said Act, passed in the

forty-third year of Her Majesty's reign, and chaptered fifty-nine, shall be understood to include the clauses of the said Railway Act of Ontario so incorporated with that Act.

Confirmation
of by-laws.

5. By-law number of the village of Port Dover, 5
passed by the municipal council thereof, on the
day of December, one thousand eight hundred and eighty, and
entitled "A by-law to aid the Port Rowan and Lake Shore Rail-
way Company"; also by-law number of the town-
ship of Charlotteville, passed by the municipal council thereof
on the day of December, in the same year, en- 10
titled "A by-law to aid the Port Rowan and Lake Shore Rail-
way Company"; also by-law number of the town-
ship of Walsingham, passed by the municipal council thereof,
on the day of December, in the same year, entitled
"A by-law to aid the Port Rowan and Lake Shore Railway 15
Company," and all debentures issued or to be issued under any
of said by-laws, shall be and are hereby declared to be good,
valid, legal and binding upon said municipalities respectively,
and shall be held to have been good, valid, legal, binding
and effectual from the time of the passing of said by-laws, 20
notwithstanding any law, usage or custom to the contrary, and
notwithstanding any omission or defect in point of form or
otherwise, in said by-laws, or any of them, or in the passing
thereof, or in the notices, petitions and proceedings, preliminary
to the passing of said by-laws, or in the said debentures, or 25
any of them, or in the charter of the said company.

Contracts for
construction.

6. It shall be lawful for the directors of said company to
enter into any contract or contracts with any individual or as-
sociation of individuals, for the construction or equipment, or
both, of the said railway line, or any part thereof, including or 30
excluding the procuring of the right of way for said railway line,
and to pay therefor, either in cash or in bonds, or partly in paid-
up stock of said company or otherwise as may be deemed expedi-
ent, and any of such contractors may be shareholders or directors
of said company, any law, custom or usage to the contrary not- 35
withstanding; provided that no such contract shall be of any
force or validity till approved of by two-thirds of the share-
holders present in person or represented by proxy at a general
meeting of shareholders duly convened for considering the
same. 40

Proviso.

Aid from mu-
nicipalities,
etc.

7. Any municipality through which the said railway may
pass is hereby empowered to grant, by way of gift to the said
company, any lands belonging to such municipality which may
be required for right of way, station grounds, or other pur-
poses connected with the construction, running or traffic of the 45
said railway, and the said company may receive from any gov-
ernment or from any person or body corporate, municipal or
politic, who may have power to make or grant the same, aid
towards the construction, equipment or maintenance of the said
railway by way of bonus, grant, gift or loan, in money or land, 50
or debentures, or other securities for money or by way of
guarantee upon such terms and conditions as may be agreed
upon.

Telegraph
lines.

8. The said company may construct and operate a telegraph
line or lines in connection with their said railway, and enter 55

into any arrangements concerning the same, with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies are hereby conferred upon said company, and the provisions of any statutes for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

9. Where stone, gravel, or any other material, is required for the construction or maintenance of said railway, or any part thereof, and such material is contiguous or near to the line of the said railway, the provisions of the "Railway Act of Ontario," relating to the acquisition of lands for the railway line, and station grounds, shall apply to the lands containing such material, and said company may proceed to acquire the same, in precisely the same way as they are authorized to procure the line of the railway itself, except that it shall not be necessary to file any map or plan, or book of reference, in respect of the lands affected, or to publish any notice thereof under sections ten and nineteen of the "Railway Act of Ontario," and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring
stone, gravel,
etc.

10. When said gravel or stone, or other material, shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the "Railway Act of Ontario," and of the special Acts relating to said company, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway, and so far as section thirty-five of the Act incorporating said company, contains anything inconsistent with this or the preceding section, it is hereby repealed;

Sidings to
gravel pits, etc.

(2) When estimating the damages for the taking of material under this and the preceding section, sub-section eight of section twenty of the "Railway Act of Ontario" shall not apply.

Proviso.

11. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors after such resolution to confer such power upon one or more of their number.

Delegation of
authority to
one or more
directors.

12. Section twenty-seven of the Act, incorporating said company, is hereby amended by adding the words "and the

43 Vic., c. 59,
s. 27, amended.

trustees shall be entitled to their reasonable fees and charges from such trust fund."

Aliens may be
shareholders
and directors.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to office as directors of the said company. 5

Snow fences.

14. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or of any corporation or person whomsoever, lying along the route or line of its railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any), as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following. 15

Proviso.

BILL.

An Act respecting the Port Rowan and Lake
Shore Railway Company.

First Reading,
1881.

(PRIVATE BILL.)

Mr. MORGAN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Port Rowan and Lake Shore
Railway Company.

WHEREAS the Port Rowan and Lake Shore Railway Com- Preamble.
pany have petitioned that an Act may be passed to
amend the Act of incorporation of the said railway com-
pany, passed in the forty-third year of Her Majesty's reign,
5 and chaptered fifty-nine, and to grant to said company addi-
tional powers and privileges, and it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:—

1. The time limited in said Act for the completion of the Time for com-
pletion ex-
tended.
said railway is hereby extended to *four* years from the passing
of this Act.

2. Section ten of said Act is hereby amended, by striking 43 Vic., c. 59,
s. 10, amended.
15 out the words "The Town of Simcoe in the said county of
Norfolk," and substituting therefor the words "*in the Province
of Ontario.*"

3. The said company may alter the route of the railway to Route may be
altered.
be constructed by them under said Act, so that the same may
20 run from Port Dover in a westerly direction to a point on Big
Creek, in the township of Walsingham.

4. It shall be lawful for the directors of said company to Contracts for
construction.
enter into any contract or contracts with any individual or as-
sociation of individuals, for the construction or equipment, or
25 both, of the said railway line, or any part thereof, including or
excluding the procuring of the right of way for said railway line,
and to pay therefor, either in cash or in bonds, or partly in paid-
up stock of said company or otherwise as may be deemed expedi-
ent, and any of such contractors may be shareholders or directors
30 of said company, any law, custom or usage to the contrary not-
withstanding; provided that no such contract shall be of any
force or validity till approved of by two-thirds of the share-
holders present in person or represented by proxy at a general
meeting of shareholders duly convened for considering the
35 same. Proviso.

5. Any municipality through which the said railway may Aid from mu-
nicipalities,
etc.
pass is hereby empowered to grant, by way of gift to the said
company, any lands belonging to such municipality which may
be required for right of way, station grounds, or other pur-
40 poses connected with the construction, running or traffic of the

said railway, and the said company may receive from any government or from any person or body corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, grant, gift or loan, in money or land, 5 or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Telegraph lines.

6. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter 10 into any arrangements concerning the same, with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies are hereby conferred upon said company, and the provisions of any statutes for the working and protection of 15 telegraph lines, shall apply to any such telegraph lines constructed by the company.

Acquiring lands in addition to roadway.

7.  When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway, or any part thereof, the company may acquire and hold land, in addition 20 to the roadway, from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required, and in case they cannot agree with the owner of the lands on which the same are situate for the 25 purchase thereof may cause a Provincial Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with notice of arbitration, as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario, as to the service of the 30 said notice of arbitration, compensation, deeds, payment of money into court, the right to sell the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be 35 had by the said company, either for the right to the fee simple to the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.  40

Sidings to gravel pits, etc

8. When said gravel or stone, or other material, shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material 45 shall be found, whatever the distance may be, and all the provisions of the "Railway Act of Ontario," and of the special Acts relating to said company, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to 50 the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of re- 55 pairing and maintaining the said railway, and so far as section

thirty-five of the Act incorporating said company, contains anything inconsistent with this or the preceding section, it is hereby repealed;

(2) When estimating the damages for the taking of material Proviso.
 5 under this and the preceding section, sub-section eight of section twenty of the "Railway Act of Ontario" shall not apply.

9. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in Delegation of authority to one or more directors.
 10 any particular matter or matters, it shall be lawful for the directors after such resolution to confer such power upon one or more of their number.

10. Section twenty-seven of the Act, incorporating said 43 Vic., c. 59, s. 27, amended.
 company, is hereby amended by adding the words "and the
 15 trustees shall be entitled to their reasonable fees and charges from such trust fund."

11. Aliens, as well as British subjects, and whether resident Aliens may be shareholders and directors.
 in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on
 20 their shares equally with British subjects and shall also be eligible to office as directors of the said company.

12. The said company shall have the right, on and after the Snow fences.
 first day of November in each year, to enter into and upon any lands of Her Majesty, or of any corporation or person whom-
 25 soever, lying along the route or line of its railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any), as may be thereafter established in the manner provided by law in respect to such railway, to have
 been actually suffered: Provided always, that any such snow Proviso.
 30 fences so erected shall be removed on or before the first day of April next following.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Port Rowan and Lake
Shore Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. MORGAN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to limit the borrowing powers of the Grange Trust (Limited), to increase its capital, and to amend the Charter thereof.

WHEREAS, the Grange Trust (Limited), became incorporated by Letters Patent, dated the tenth day of April, one thousand eight hundred and seventy-nine, issued under the authority of chapter one hundred and fifty of the Revised Statutes of the Province of Ontario; and whereas the power of the said company to borrow money is not limited to any fixed amount, either by the said Act, or by the said charter, and whereas the said company has, by its petition, prayed that the amount which it may borrow be limited, that it may be authorized to increase its capital and that certain amendments may be made to its said charter whereby the permanency and stability of the said company may be more completely secured, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The total amount of money which the Grange Trust (Limited) may borrow on debentures or otherwise, shall not at any time exceed sixty-five per centum of the subscribed capital stock of the company, or in case the said company shall at any time hereafter issue guaranteed stock as hereinafter provided, then the total amount of money which the company may borrow by debentures or otherwise, shall not exceed said sixty-five per centum, including the amount of guaranteed stock which shall be issued by the company.

Limitation of borrowing powers.

2. The said the Grange Trust (Limited), may hold absolutely real estate for the purpose of or in connection with its place or places of business, not exceeding the annual value of ten thousand dollars.

Real estate.

3. The said company may, with the sanction of the shareholders, by a vote of not less than two-thirds in value of the shareholders then present in person, or by proxy, at a general meeting duly called by ten days notice given in the manner provided in sub-section two of section twenty-five of said chapter one hundred and fifty of the Revised Statutes, to consider the same, increase its capital stock from the present sum of one million dollars to the sum of five million dollars.

Increase of capital stock.

4. The new stock of the company which may be subscribed and allotted shall be subject to the same provisions as to calls, forfeiture and otherwise as is provided respecting stock in said chapter one hundred and fifty of the Revised Statutes.

Provisions of R. S. O., c. 150, as to forfeiture, etc., to apply to new stock.

Guaranteed
stock.

5. The directors of the company with the sanction of the shareholders, to be obtained in the manner provided in the foregoing section number three, may from time to time issue and allot fully paid up guaranteed stock of the company to the extent of twenty-five per centum of the then subscribed and allotted stock of the company, which said guaranteed stock shall rank in preference to the other or ordinary stock of the company, and the holders thereof shall be entitled to be paid such annual dividend thereon, as may be agreed upon at the time of issue thereof not to exceed five per centum per annum on the amount of such stock held by them, before the ordinary stockholders shall be entitled to receive any dividend: Provided that the holders of guaranteed stock shall not be entitled to a greater dividend than the agreed dividend, not exceeding five per centum per annum, till the ordinary shareholders are entitled to a dividend of eight per centum per annum on their paid-up stock, and as to any annual surplus after payment to the guaranteed and ordinary stockholders at the respective rates aforesaid, the said surplus shall be divided ratably among all the shareholders according to the amount of paid-up stock held by them.

Proviso.

Securities to
be taken by
company.

6. The company may take as security for money advanced or otherwise any kind of real or personal security, or hold the same in trust or as collateral security, and may sell and dispose of the same.

Issue of notes
or debentures.

7. The company may issue notes or debentures for money borrowed, bearing such rate of interest as the directors may decide on, in sums of not less than one hundred dollars, and for any period not less than twelve months.

Property liable
to claims
against the
company.

8. So much of the subscribed capital as shall from time to time remain unpaid, and all the real and personal estate of the company shall at all times be held subject, and continue to be liable for the debentures, guaranteed stock, and other liabilities of the company, and the debentures and guaranteed stock of the company shall form a first charge and lien upon said unpaid capital stock, and real and personal estate of the company.

Reserve fund.

9. The Directors shall annually before declaring any dividend in favour of the ordinary stockholders, set apart ten per centum of the net earnings to the credit of the reserve fund of the company.

Election of
directors, and
by-law 18 of
the company,
confirmed.

10. The election of the directors of the company at its meeting held on the fifteenth day of September, 1880, and the by-law of the company intituled "By-Law No. 18, of the Grange Trust (Limited), to authorize the directors to borrow money," sanctioned by the shareholders on the fourteenth day of September aforesaid, are hereby confirmed, and declared legal and binding.

BILL.

An Act to limit the borrowing powers of the Grange Trust (Limited), to increase its capital, and to amend the Charter thereof.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. BLEZARD.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to extend the time for the completion of the
Erie and Huron Railway.

WHEREAS the Erie and Huron Railway Company have Preamble.
petitioned that an Act may be passed to amend the Act
for the incorporation of the said company, passed in the thirty-
sixth year of Her Majesty's reign, and chaptered seventy, and
5 the several Acts amending the said Act, so as to extend the
time for the completion of the said railway to a further period
of four years from the time already fixed for the completion
thereof, by the Act passed in the forty-first year of Her Ma-
jesty's reign, chaptered forty-five; and whereas it is expedient
10 to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The time for the completion of the said railway is here-
15 by extended for the further period of four years from the Time for com-
pletion of rail-
way extended.
time now limited for the completion thereof, by the Act passed
in the forty-first year of Her Majesty's reign, and chaptered
forty-five.

BILL.

An Act to extend the time for the completion of the Erie and Huron Railway.

First Reading,	, 1881.
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(*PRIVATE BILL.*)

Mr. BELL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to extend the time for the completion of the
Erie and Huron Railway.

WHEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act for the incorporation of the said company, passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy, and the several Acts amending the said Act, so as to extend the time for the completion of the said railway to a further period of one year from the time already fixed for the completion thereof, by the Act passed in the forty-first year of Her Majesty's reign, chaptered forty-five; and, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. The time for the completion of the said railway is hereby extended for the further period of one year from the time now limited for the completion thereof, by the Act passed in the forty-first year of Her Majesty's reign, and chaptered forty-five.

Time for completion of railway extended.

2. Notwithstanding the provisions of section six of an Act of the Legislature of the Province of Ontario, passed in the forty-second year of the reign of Her Majesty Queen Victoria, chapter sixty-one, intituled, "An Act to legalize certain by-laws and debentures of the county of Kent in aid of the Erie and Huron Railway Company," no further or other sums of money (excepting any sum of money that the said railway company may have a valid claim to be paid as moneys that should be paid in accordance with subsections one, two, four, five and six of the said section six, in respect of which claim, if any, the provisions of this Act other than that which extends the time for the completion of the railway are to have no effect whatever) shall be paid over on account of either principal or interest of the proceeds of the debenture fund to the said company or any person or persons on their behalf until the said railway from the Rond Eau harbour to the village of Dresden in a continuous line, including the Wallaceburgh branch, is all properly graded, culverts put in, bridged, furnished with ties and rails properly laid and fully ballasted and equipped and in running order, ready to receive the rolling stock, when the balance of the money of said fund remaining in the hands of the trustees, both of principal and interest, shall become payable to the said company or their assigns, and not before, anything in the said sixth section of the said Act to the contrary notwithstanding.

Certain moneys not to be paid till completion of line from Rond Eau harbour to Dresden.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to extend the time for the completion
of the Erie and Huron Railway.

(Reprinted as amended.)

First Reading, 31st January, 1881.
Second " 21st February, 1881.

(PRIVATE BILL.)

Mr. BELL.

An Act to vest in the newly appointed Trustees of the Marriage Settlement of B. H. Dixon, the property therein comprised, and to authorize the sale and leasing thereof.

WHEREAS Benjamin Homer Dixon and Frances, his wife, Preamble.
have, by their petition, represented that, before their marriage, the said Benjamin Homer Dixon was seized, in fee simple, in possession of certain real estate, situate on Wellesley street, in the city of Toronto, known as "The Homewood," containing about four acres, more particularly described in the indenture hereafter referred to, and was, also, possessed of the personal estate in the said indenture referred to; that shortly before said marriage, and in contemplation thereof, the said Benjamin Homer Dixon, by the said indenture, which is dated the twenty-eighth day of November, one thousand, eight hundred and sixty-six, and registered in the registry office for the city of Toronto on the fifth day of January, one thousand, eight hundred and sixty-seven, conveyed the said real estate unto Fitz Eugene Dixon and William Henry Boulton, and their heirs, and assigned the said personal estate therein mentioned unto the said Fitz Eugene Dixon and William Henry Boulton, their executors and administrators, to the uses and upon the trusts following, that is to say: to the use of himself, the said Benjamin Homer Dixon, for life, with remainder, after his death, to the use of said Frances, his then intended wife, for life, and, after the death of the survivor of them, to the use of any child or children of the intended marriage, as the said Benjamin Homer Dixon should appoint, and, in default of appointment, and so far as any appointment should not extend, to the use of all the children of the said intended marriage, who, being a son or sons, should attain the age of twenty-one years, or, being a daughter or daughters, should attain that age or marry, which should first happen, and in case there should be no child of the said intended marriage, who, being a son, should attain the age of twenty-one years, or, being a daughter, should attain that age or marry, then to the use of the said Benjamin Homer Dixon, his heirs and assigns forever; that the said Fitz Eugene Dixon never executed the said indenture, and that it is uncertain whether he ever accepted the trusts thereof; that the said William Henry Boulton died on or about the first day of February, one thousand, eight hundred and seventy-four; that the said Fitz Eugene Dixon died on or about the twenty-second day of January, one thousand, eight hundred and eighty, and, at the time of his death, was an alien domiciled abroad, and that his heir-at-law is also an alien domiciled abroad; that, under and by virtue of a power to that effect

contained in the said settlement, the said Benjamin Homer Dixon has recently appointed two new trustees thereof, namely, James Henderson and Frederick William Kingstone, both of the said city of Toronto, barristers-at-law, in the place and stead of the said William Henry Boulton and Fitz Eugene Dixon, 5 deceased, but that the real and personal estate comprised in said settlement has not yet been conveyed and assigned to or vested in the said newly appointed trustees; that, neither under the said indenture of settlement or otherwise, is there any power to sell the said real or personal estate, or any part 10 thereof, or, until after the death of the survivor of the said Benjamin Homer Dixon and his said wife, to give valid binding leases for any term certain; that there are six children of the said marriage, the youngest of the age of one year, and that the said Benjamin Homer Dixon is of the age of 15 sixty-one years, and his said wife of the age of forty-one years; that the said real estate has been and now is occupied by the said Benjamin Homer Dixon and his said wife, as a residence and garden and pleasure grounds appurtenant thereto, and all such garden and grounds are not required by them, and are a 20 burden to them by reason of taxation and care, and that the expense thereof, and loss of benefit that would result if the property could be sold or let are detrimental, not only to them but to children of the marriage in view (among other views) of reasonable expectation of such children to possess such 25 means as their parents might accumulate and leave at their death; that the ordinary powers to sell and lease usually inserted in all well drawn settlements of real estate for the benefit of parents and their children, whether drawn by conveyancers or by direction of the Court of Chancery, were 30 omitted in the said settlement through inadvertence; that the said real estate is very valuable for building purposes, and could be sold or let within a reasonable time for such purposes, and has, irrespective of the residence thereon and buildings appurtenant thereto, and sufficient ground to hold therewith, 35 a capacity for such purposes of about six hundred feet of frontage on streets, that is to say, four hundred feet on Homewood Avenue when produced, and two hundred feet on Wellesley Place; that the said James Henderson and Frederick William Kingstone, the present trustees of the said marriage 40 settlement, assent to the said petition; and the said petitioners have prayed, that the said real and personal estate, now subject to the trusts of the said indenture of settlement, may be vested in the said James Henderson and Frederick William Kingstone, for the estate therein, which would now be vested, 45 in the said Fitz Eugene Dixon and William Henry Boulton, if the said Fitz Eugene Dixon had accepted the trusts thereof, and he and the said William Henry Boulton were now living; and that powers may be given to the said James Henderson and Frederick William Kingstone, and the survivor of them, 50 and the executors and administrators of such survivor, or the trustees or trustee for the time being of said settlement, or any nominee or nominees of the Court of Chancery, to sell and to lease the said property, and for the investment and disposition of the proceeds of sales or leases, and for such powers and pro- 55 visions as are usual and proper in ante-nuptial settlements of realty directed to be sold for the benefit of children of the marriage generally, with a power of appointment as in said indenture contained; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said real and personal estate, now subject to the trusts of the said indenture of settlement, shall be, and the same hereby is vested in the said James Henderson and Frederick William Kingstone, for the estate therein, which would now be vested in the said Fitz Eugene Dixon and William Henry Boulton, if the said Fitz Eugene Dixon had accepted the trusts thereof, and he and the said William Henry Boulton were now living.

Estate vested in new trustees.

2. The said James Henderson and Frederick William Kingstone, and the survivor of them, and the executors and administrators of such survivor or other the trustees for the time being of the said settlement, shall have full power to sell, convey and dispose of the said real and personal estate, for the whole or any part of the estate, right, title and interest at law or in equity therein, which he, the said Benjamin Homer Dixon, had therein at and immediately before the execution of the said indenture, free from the claims of all persons who could or might claim thereunder, or under him, said Benjamin Homer Dixon, save only purchasers, mortgagees, lien holders, or incumbrancers, if any, and saving, as aforesaid, may, also, under the provisions hereafter named, lease the said real estate, or any parts thereof: Provided, however, that no sale or lease shall be made during the lifetime of the said Benjamin Homer Dixon without his consent in writing thereto, nor after his death during the lifetime of his said wife, Frances, without her consent in writing thereto.

Powers to trustees to sell or lease.

3. Any person or persons who may, at any time, have authority, by virtue of any of the provisions of this Act, either directly, as above named, or indirectly, as trustees for the time being of said settlement, or as appointee of the Court of Chancery, to sell or convey or lease, may, until the death of the survivor of the said Benjamin Homer Dixon and his said wife, with the consent aforesaid, and subsequently, as they or he think fit, sell or lease at public auction, or by private contract, for cash or on credit, with security for payment by reconveyance by way of mortgage or other security, and, from time to time, in several or one lot or lots, with power to buy in at any auction and rescind or vary any contract of sale or lease, and resell or relet, without being responsible for any loss occasioned thereby, and the purchase money and rents receive and discharges therefor give, and no one paying shall be bound to see to the application of the purchase money, and any sale or lease may be, upon, with and subject to any stipulations, conditions, covenants, provisos for re-entry, agreements for renewal, at rents to be determined by arbitration, forfeiture or otherwise, as they or he think fit; and if it shall so happen that, by reason of determination or of forfeiture of any lease or contract of sale, or of any mortgage, they or he may take as security, the lands leased, sold or mortgaged should revert, the same may be resold or relet, with any and under any of the powers herein contained, which shall not be deemed exhausted; such person or persons may lay out and set apart any of the said real estate, from time to time, as and for

Mode of selling or leasing.

streets or lanes, and grant rights of way over the same, or dedicate the same to the public, and such grants may be on such terms as they or he see fit.

Appointment
by Court of
Chancery.

4. The Court of Chancery may, from time to time, appoint any person or persons to exercise all or any of the powers or 5 directions by this Act given or conferred, either solely or jointly with the said James Henderson and Frederick William Kingstone, or with either of them, or with the trustees or trustee for the time being of said settlement, and may cancel, from time to time, its appointments and reappoint; the Court 10 may, at all times, interfere and direct as to the disposal, control and investment of moneys, but, as to the securities hereinafter named whereon moneys may be invested, the person or persons for the time being authorized to invest may invest in any such securities, and power to invest shall not be confined to 15 mortgages and Government securities.

Investment of
proceeds of
sales or
rentals.

5. All moneys received as proceeds of sales or rentals or otherwise, shall, after deducting all expenses and outlay whatever attendant on or towards the execution of any of the powers or directions by this Act, or by the said indenture 20 of settlement, given or conferred, or on directions that may be required or granted by the Court, and all expenses and allowances that the Court may think proper, including allowances to the person or persons, for the time authorized to act, for his or their care, trouble and responsibility, in like manner as in; case of a trust, shall be laid out and invested in or upon real securities in Canada, or Government securities of Canada, or of any province thereof, or municipal debentures of any county, union of counties, or city in the Province of Ontario, or the stocks or shares of, or on deposit with, any investment company 30 in said Province formed chiefly for the purpose of investing on real estate.

Application of
annual pro-
ceeds of in-
vestments.

6. The annual proceeds of the said investments shall go and be paid to the said Benjamin Homer Dixon, or his assigns, during his life, and, after his death, to his said wife, 35 or her assigns, during her life, and, after the death of the survivor, the principal moneys shall be held for and applied to the use of the child or children of the said marriage as the said Benjamin Homer Dixon shall, by virtue of the powers on him conferred in or by said indenture of settlement, appoint, 40 and, in default of appointment, and, so far as any appointment shall not extend to the use of all the children who, being a son or sons, shall attain the age of twenty-one years, or, being a daughter or daughter, shall attain that age or marry, and, in case there shall be no child of the said marriage who, being a 45 son, shall attain that age, or, being a daughter, shall attain that age or marry, then to the use of the said Benjamin Homer Dixon, his heirs or assigns, forever.

Power in
settlement as
to appoint-
ment of trus-
tees not
affected.

7. Nothing in this Act contained shall be construed to prevent or interfere with the exercise, from time to time, of the 50 power of appointing new trustees, contained in the said indenture of settlement, and any trustee or trustees so appointed shall have all the powers and authorities by this Act conferred upon the said James Henderson and Frederick William Kingstone.

An Act to vest in the newly appointed Trustees of the Marriage Settlement of B. H. Dixon, the property therein comprised, and to authorize the sale and leasing thereof.

(PRIVATE BILL.)

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

An Act to vest in the newly appointed Trustees of the Marriage Settlement of B. H. Dixon, the property therein comprised, and to authorize the sale and leasing thereof.

WHEREAS Benjamin Homer Dixon and Frances, his wife, Preamble.
have, by their petition, represented that, before their marriage, the said Benjamin Homer Dixon was seized, in fee simple, in possession of certain real estate, situate on Wellesley street, in the city of Toronto, known as "The Homewood," containing about four acres, more particularly described in the indenture hereafter referred to, and was, also, possessed of the personal estate in the said indenture referred to; that shortly before said marriage, and in contemplation thereof, the said Benjamin Homer Dixon, by the said indenture, which is dated the twenty-eighth day of November, one thousand, eight hundred and sixty-six, and registered in the registry office for the city of Toronto on the fifth day of January, one thousand, eight hundred and sixty-seven, conveyed the said real estate unto
15 Fitz Eugene Dixon and William Henry Boulton, and their heirs, and assigned the said personal estate therein mentioned unto the said Fitz Eugene Dixon and William Henry Boulton, their executors and administrators, to the uses and upon the trusts following, that is to say: to the use of himself, the said
20 Benjamin Homer Dixon, for life, with remainder, after his death, to the use of said Frances, his then intended wife, for life, and, after the death of the survivor of them, to the use of any child or children of the intended marriage, as the said Benjamin Homer Dixon should appoint, and, in default of
25 appointment, and so far as any appointment should not extend, to the use of all the children of the said intended marriage, who, being a son or sons, should attain the age of twenty-one years, or, being a daughter or daughters, should attain that age or marry, which should first happen, and in case there
30 should be no child of the said intended marriage, who, being a son, should attain the age of twenty-one years, or, being a daughter, should attain that age or marry, then to the use of the said Benjamin Homer Dixon, his heirs and assigns forever; that the said Fitz Eugene
35 Dixon never executed the said indenture, and that it is uncertain whether he ever accepted the trusts thereof; that the said William Henry Boulton died on or about the first day of February, one thousand, eight hundred and seventy-four; that the said Fitz Eugene Dixon died on or about the twenty-
40 second day of January, one thousand, eight hundred and eighty, and, at the time of his death, was an alien domiciled abroad, and that his heir-at-law is also an alien domiciled abroad; that, under and by virtue of a power to that effect

contained in the said settlement, the said Benjamin Homer
 Dixon has recently appointed two new trustees thereof, namely,
 James Henderson and Frederick William Kingstone, both of
 the said city of Toronto, barristers-at-law, in the place and stead
 of the said William Henry Boulton and Fitz Eugene Dixon, 5
 deceased, but that the real and personal estate comprised in
 said settlement has not yet been conveyed and assigned to or
 vested in the said newly appointed trustees; that, neither
 under the said indenture of settlement or otherwise, is there
 any power to sell the said real or personal estate, or any part 10
 thereof, or, until after the death of the survivor of the said
 Benjamin Homer Dixon and his said wife, to give valid
 binding leases for any term certain; that there are six children
 of the said marriage, the youngest of the age of one year,
 and that the said Benjamin Homer Dixon is of the age of 15
 sixty-one years, and his said wife of the age of forty-one years;
 that the said real estate has been and now is occupied by the
 said Benjamin Homer Dixon and his said wife, as a residence
 and garden and pleasure grounds appurtenant thereto, and all
 such garden and grounds are not required by them, and are a 20
 burden to them by reason of taxation and care, and that the
 expense thereof, and loss of benefit that would result if the
 property could be sold or let are detrimental, not only to them
 but to children of the marriage in view (among other views)
 of reasonable expectation of such children to possess such 25
 means as their parents might accumulate and leave at their
 death; that the ordinary powers to sell and lease usually
 inserted in all well drawn settlements of real estate for the
 benefit of parents and their children, whether drawn by con-
 veyancers or by direction of the Court of Chancery, were 30
 omitted in the said settlement through inadvertence; that the
 said real estate is very valuable for building purposes, and
 could be sold or let within a reasonable time for such purposes,
 and has, irrespective of the residence thereon and buildings
 appurtenant thereto, and sufficient ground to hold therewith, 35
 a capacity for such purposes of about six hundred feet of
 frontage on streets, that is to say, four hundred feet on
 Homewood avenue when produced, and two hundred feet on
 Wellesley Place; that the said James Henderson and Frederick
 William Kingstone, the present trustees of the said marriage 40
 settlement, assent to the said petition; and the said petitioners
 have prayed, that the said real and personal estate, now sub-
 ject to the trusts of the said indenture of settlement, may be
 vested in the said James Henderson and Frederick William
 Kingstone, for the estate therein, which would now be vested 45
 in the said Fitz Eugene Dixon and William Henry Boulton, if
 the said Fitz Eugene Dixon had accepted the trusts thereof,
 and he and the said William Henry Boulton were now living;
 and that powers may be given to the said James Henderson
 and Frederick William Kingstone, and the survivor of them, 50
 and the executors and administrators of such survivor, or the
 trustees or trustee for the time being of said settlement, or any
 nominee or nominees of the Court of Chancery, to sell and to
 lease the said property, and for the investment and disposition
 of the proceeds of sales or leases, and for such powers and pro- 55
 visions as are usual and proper in ante-nuptial settlements of
 realty directed to be sold for the benefit of children of the
 marriage generally, with a power of appointment as in said
 indenture contained; and it is expedient to grant the prayer of
 the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said real and personal estate, now subject to the trusts of the said indenture of settlement, shall be, and the same hereby is vested in the said James Henderson and Frederick William Kingstone, ~~and~~ and their heirs, executors and administrators, according to the nature and quality thereof as joint tenants, ~~and~~ for the estate therein, which would now be vested in the said Fitz Eugene Dixon and William Henry Boulton, if the said Fitz Eugene Dixon had accepted the trusts thereof, and he and the said William Henry Boulton were now living.

Estate vested in new trustees.

2. The said James Henderson and Frederick William Kingstone, and the survivor of them, and the executors and administrators of such survivor or other the trustee or trustees for the time being of the said settlement, shall have full power to sell, convey and dispose of the said real and personal estate, for the whole or any part of the estate, right, title and interest at law or in equity therein, which he, the said Benjamin Homer Dixon, had therein at and immediately before the execution of the said indenture, free from the claims of all persons who could or might claim thereunder, or under him, said Benjamin Homer Dixon, save only purchasers, mortgagees, lien holders, or incumbrancers, if any, and saving, as aforesaid, may, also, under the provisions hereafter named, lease the said real estate, or any parts thereof: Provided, however, that no sale or lease shall be made during the lifetime of the said Benjamin Homer Dixon without his consent in writing thereto, nor after his death during the lifetime of his said wife, Frances, without her consent in writing thereto.

Powers to trustees to sell or lease.

Proviso.

3. Any person or persons who may, at any time, have authority, by virtue of any of the provisions of this Act, either directly, as above named, or indirectly, as trustees for the time being of said settlement, or as appointee of the Court of Chancery, to sell or convey or lease, may, until the death of the survivor of the said Benjamin Homer Dixon and his said wife, with the consent aforesaid, and subsequently, as they or he think fit, sell or lease at public auction, or by private contract, for cash or on credit, with security for payment by reconveyance by way of mortgage or other security, and, from time to time, in several or one lot or lots, with power to buy in at any auction and rescind or vary any contract of sale or lease, and resell or relet, without being responsible for any loss occasioned thereby, and the purchase money and rents receive and discharges therefor give, and any one paying shall not be bound to see to the application of the purchase money, and any sale or lease may be, upon, with and subject to any stipulations, conditions, covenants, provisos for re-entry, agreements for renewal, at rents to be determined by arbitration, forfeiture or otherwise, as they or he think fit; and if it shall so happen that, by reason of determination or of forfeiture of any lease or contract of sale, or of any mortgage, they or he may take as security, the lands leased, sold or mortgaged should revert, the same may be resold or relet, with any and under any of the powers herein contained, which shall not be deemed exhausted; such person or persons may lay out and set

Mode of selling or leasing.

apart any of the said real estate, from time to time, as and for streets or lanes, and grant rights of way over the same, or dedicate the same to the public, and such grants may be on such terms as they or he see fit.

Appointment
by Court of
Chancery.

4. The Court of Chancery may, from time to time, appoint 5 any person or persons to exercise all or any of the powers or directions by this Act given or conferred, either solely or jointly with the said James Henderson and Frederick William Kingstone, or with either of them, or with the trustees or trustee for the time being of said settlement, and may cancel, 10 from time to time, its appointments and reappoint; the Court may, at all times, interfere and direct as to the disposal, control and investment of moneys, but, as to the securities hereinafter named whereon moneys may be invested, the person or persons for the time being authorized to invest may invest in 15 any such securities, and power to invest shall not be confined to mortgages and Government securities.

Investment of
proceeds of
sales or
rentals.

5. All moneys received as proceeds of sales or rentals or otherwise, shall, after deducting ~~all~~ all expenses for insurance against loss by fire, if any, of the trust property, and all taxes 20 and ~~all~~ all expenses and outlay whatever attendant on or towards the execution of any of the powers or directions by this Act, or by the said indenture of settlement, given or conferred, or on directions that may be required or granted by the Court, and all expenses and allowances *and indemnity to trustees* 25 that the Court may think proper, including allowances to the person or persons, for the time authorized to act, for his or their care, trouble and responsibility, in like manner as in case of a trust, shall be laid out and invested in or upon real securities in Canada, or Government securities of Canada, or of 30 any province thereof, ~~or~~ the debentures of any municipality in the Province of Ontario, or on deposit with any investment company in said Province, formed chiefly for the purpose of investing on real estate, or with any chartered bank in said Province, or in any other manner or way authorized by the 35 Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered twenty-one. 

Application of
annual pro-
ceeds of in-
vestments.

6. The annual proceeds of the said investments shall *after deducting therefrom as aforesaid* go and be paid to the said Benjamin Homer Dixon, or his assigns, during 40 his life, and, after his death, to his said wife, or her assigns, during her life, and, after the death of the survivor, the principal moneys shall be held for and applied to the use of the child or children of the said marriage as the said Benjamin Homer Dixon shall, by virtue of the powers on 45 him conferred in or by said indenture of settlement, appoint, and, in default of appointment, and, so far as any appointment shall not extend to the use of all the children who, being a son or sons, shall attain the age of twenty-one years, or, being a daughter or daughters, shall attain that age or marry, and, in 50 case there shall be no child of the said marriage who, being a son, shall attain that age, or, being a daughter, shall attain that age or marry, then to the use of the said Benjamin Homer Dixon, his heirs or assigns, forever.

7. Nothing in this Act contained shall be construed to prevent or interfere with the exercise, from time to time, of the power of appointing new trustees, contained in the said indenture of settlement, and any trustee or trustees so appointed shall have all the powers and authorities by this Act conferred upon the said James Henderson and Frederick William Kingstone.

Power in settlement as to appointment of trustees not affected.

BILL.

An Act to vest in the newly appointed Trustees of the Marriage Settlement of B. H. Dixon, the property therein comprised and to authorize the sale and leasing thereof.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. MORRIS.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Midland Railway of Canada.

WHEREAS the Midland Railway of Canada have petitioned the Legislature for certain amendments to their Acts of incorporation, and all other Acts amending the same or affecting the said railway company, and for power and authority to extend the main line or branches of the said railway, from a point at or near the village of Omemee, in the county of Victoria, to the town of Peterborough, with power to construct branch lines of railway from their main line or any branch thereof to any mines, mills or manufactories at or near the main line of the said railway, or any branches thereof, and for certain other amendments; and, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Unless the context shall require a different interpretation of the words hereby interpreted in the construction of this Act, the words "the company" shall mean the Midland Railway of Canada, and the words "the railway" the railway of the Midland Railway Company.

2. The company are hereby empowered and authorized to construct and extend the railway or construct a branch thereof as they may deem most expedient, with all the works, stations and equipments thereof from a point at or near the village of Omemee, in the county of Victoria, to the town of Peterborough, by such route as may seem expedient.

3. The said company are also hereby empowered and authorized to construct a branch or branches of their railway, with all the works, stations and equipments thereof, from any point on their main line of railway or any extension or branch thereof, to any mines, mills or manufactories at or near the line of their said railway or extensions or branches thereof, and no such branch shall, as to the quality or construction of the road, be subject to any of the restrictions contained in any of the Acts relating to the company, or in this Act: Provided, however, that no such branch shall exceed a distance of twelve miles from the main line or extension of the railway.

4. The company shall for the purposes mentioned in the second and third sections of this Act have and exercise all the powers conferred by their own Acts of incorporation and Acts amending the same, and the Railway Act of Ontario; and the several clauses of the Railway Act of Ontario with respect to "interpretation," "powers," "plans and surveys," "lands and

their valuation" shall be deemed to be part of this Act, and shall apply to the said company and the extensions and branches authorized by the second and third sections hereof, as if expressly incorporated in this Act.

Provisions of
41 Vic., c. 49,
ss. 13-24 to
apply.

5. All the provisions of the Act of Ontario (chapter forty-nine), passed in the forty-first year of Her Majesty's reign, from section thirteen to section twenty-four, inclusive, shall apply to the said company and the extensions and branch lines authorized by the preceding sections as if expressly incorporated in this Act. 10

41 Vic., c. 49,
s. 27, repealed.

6. The twenty-seventh section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statutes passed in the forty-first year of the reign of Her Majesty Queen Victoria is hereby repealed, and the following enacted in lieu thereof: 15

"27. The number of directors of the said company to be hereafter elected by the shareholders and bondholders shall not be less than seven, of whom not less than five shall be resident in Canada, and four directors shall form a quorum for the transaction of business." 20

43 V., c. 57,
s. 2, amended.

7. Section two of the Act relating to the Midland Railway of Canada, passed in the forty-third year of Her Majesty's reign, and chaptered fifty-seven, is hereby amended by inserting after the words "the business of the company," in the sixth line of the said section, the following, "and thence to 25 Sault Ste. Marie, if the directors shall so determine."

Power to
pledge bonds.

8. And whereas doubts have arisen as to the power of the company to pledge or mortgage the bonds of the company issued pursuant to chapter forty-nine of the Acts passed in the forty-first year of Her Majesty's reign, and chapter fifty-seven, 30 of the Acts passed in the forty-third year of Her Majesty's reign, it is hereby declared that the said company had and has power for advance of moneys to be made thereon, to mortgage, deposit and transfer by way of mortgage, or as security, and to pledge all or any bonds that may have been issued by the said com- 35 pany, and the said company are authorized to redeem such bonds so mortgaged or pledged as aforesaid, out of the revenues of the company.

Agreements
with other
companies.

9. It shall be lawful for the company to lease the railway to any other railway company, or to lease the railway of any 40 other railway company, or to enter into working arrangements with or to agree for running powers over the line of any other railway company in Ontario, or passing through Ontario, or to make an agreement with any railway company in Ontario whereby the latter may have running powers over the railway 45 of the company, upon such terms and conditions, and for such periods as may from time to time be agreed upon by the respective boards of directors of the said railway companies and the company: Provided, however, that no such lease or arrangement shall take effect until it shall have been submitted 50 to and received the approval of two-thirds of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company.

Proviso.

10. It shall be lawful for the company to purchase the line of any other railway company which has now or hereafter may have any railway touching at any point of the main railway of the company, or any extension thereof, together with all and singular, 5 the houses, buildings, stations, station grounds, rights, ways, franchises, privileges and appurtenances of the railway so purchased, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said railway companies, and upon such purchase the company may exercise all 10 and every, the rights, franchises and privileges conferred by the acts of incorporation and amending acts, relating to the said companies: Provided, however, that no such purchase shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons having 15 a right to vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting of the company.

Power to purchase other lines of railway.

Proviso.

11. It shall be lawful for the company to sell the railway, together with all and singular, the franchises, houses, buildings, 20 stations, station grounds, rights, ways, privileges and appurtenances of the company, to any other railway company, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said railway company so purchasing the railway may exercise all 25 and every, the rights, franchises and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies: Provided, however, that no such sale shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons having 30 a right to vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting of the company.

Power to sell railway.

Proviso.

12. There is hereby created and the company may issue preferential stock to the amount of one hundred thousand 35 pounds sterling, and the holders of the preferential stock hereby created, or so much thereof as may from time to time be created, shall have all the rights and powers as to voting which belong to shareholders in the capital stock of the company, and shall be entitled to receive out of the net profits of the company 40 interest at the rate of per cent. per annum upon such preferential stock before any dividends or interest whatever, shall become payable out of the profits of the company upon the existing ordinary share capital: Provided, however that 45 no such preferential stock shall be issued until the matter shall have been submitted to and received the approval of two-thirds of the shareholders of the said company, voting in person or by proxy, at any special or general meeting of the company.

Issue of preferential stock authorized.

Proviso.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Midland Railway of
Canada.

First Reading, , 1881.

(*PRIVATE BILL*.)

Mr. PECK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Midland Railway of Canada.

- W**HEREAS the Midland Railway of Canada have petitioned the Legislature for certain amendments to their Acts of incorporation, and all other Acts amending the same or affecting the said railway company, and for power and authority to extend the main line or branches of the said railway, from a point at or near the village of Omemee, in the county of Victoria, to the town of Peterborough, and for certain other amendments; and, whereas it is expedient to grant the prayer of the said petition; Preamble.
- 10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:
1. Unless the context shall require a different interpretation of the words hereby interpreted in the construction of this Act, Interpretation.
15 the words "the company" shall mean the Midland Railway of Canada, and the words "the railway" the railway of the Midland Railway Company.
 2. The company are hereby empowered and authorized to construct and extend the railway or construct a branch thereof Branch from Omemee to Peterborough authorized.
20 as they may deem most expedient, with all the works, stations and equipments thereof from a point at or near the village of Omemee, in the county of Victoria, to the town of Peterborough, by such route as may seem expedient.
 3. The company shall for the purposes mentioned in the Powers of company.
25 second section of this Act have and exercise all the powers conferred by their own Acts of incorporation and Acts amending the same, and the Railway Act of Ontario; and the several clauses of the Railway Act of Ontario with respect to "interpretation," "powers," "plans and surveys," "lands and
30 their valuation" shall be deemed to be part of this Act, and shall apply to the said company and the extensions and branches authorized by the second section hereof, as if expressly incorporated in this Act.
 4. All the provisions of the Act of Ontario (chapter forty- Provisions of 41 Vic., c. 49, ss. 13-24 to apply.
35 nine), passed in the forty-first year of Her Majesty's reign, from section thirteen to section twenty-four, inclusive, shall apply to the said company and the extension authorized by the preceding section as if expressly incorporated in this Act, ~~be~~ subject, however, to the provisions of sections sixteen and
40 seventeen of the Act passed in the forty-third year of Her Majesty's reign, and chaptered twenty-seven, and any Act amending or altering the same which may be passed during the present session. 

41 Vic., c. 49,
s. 27, repealed.

5. The twenty-seventh section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statutes passed in the forty-first year of the reign of Her Majesty Queen Victoria is hereby repealed, and the following enacted in lieu thereof:

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"27. The number of directors of the said company to be hereafter elected by the shareholders and bondholders shall not be less than seven, of whom not less than five shall be resident in Canada, and four directors shall form a quorum for the transaction of business."

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Power to
pledge bonds.

6. And whereas doubts have arisen as to the power of the company to pledge or mortgage the bonds of the company issued pursuant to chapter forty-nine of the Acts passed in the forty-first year of Her Majesty's reign, and chapter fifty-seven, of the Acts passed in the forty-third year of Her Majesty's reign, it is hereby declared that the said company had and has power for advance of moneys to be made thereon, to mortgage, deposit and transfer by way of mortgage, or as security, and to pledge all or any bonds that may have been issued by the said company, and the said company are authorized to redeem such bonds so mortgaged or pledged as aforesaid, out of the revenues of the company.

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Agreements
with other
companies.

7. It shall be lawful for the company to lease the railway to any other railway company, or to lease the railway of any other railway company, or to enter into working arrangements with or to agree for running powers over the line of any other railway company in Ontario, or passing through Ontario, or to make an agreement with any railway company in Ontario whereby the latter may have running powers over the railway of the company, upon such terms and conditions, and for such periods as may from time to time be agreed upon by the respective boards of directors of the said railway companies and the company: Provided, however, that no such lease or arrangement shall take effect until it shall have been submitted to and received the approval of two-thirds in value of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company:  Provided, also, that such other railway company has been duly authorized to enter into an agreement as aforesaid. 

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Power to purchase other
lines of railway.

8. It shall be lawful for the company to purchase the line of any other railway company, *duly authorized to sell the same*, which has now or hereafter may have any railway touching at any point of the main railway of the company, or any extension thereof, together with all and singular, the houses, buildings, stations, station grounds, rights, ways, franchises, privileges and appurtenances of the railway so purchased, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said railway companies, and upon such purchase the company may,  so far as this Legislature may have authority to confer such power,  exercise all and every, the rights, franchises and privileges conferred by the Acts of incorporation and amending Acts, relating to the said companies: Provided, however, that no such purchase shall take effect until it shall have been submitted to and received the approval of two-thirds in value of the proprietors or persons having a right to

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Provido.

vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting of the company.

9. It shall be lawful for the company to sell the railway, Power to sell railway.
 5 together with all and singular, the franchises, houses, buildings, stations, station grounds, rights, ways, privileges and appurtenances of the company, to any other railway company, *duly authorized in that behalf*, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said
 10 companies, and the said railway company so purchasing the railway may, ~~so~~ so far as this Legislature may have authority to confer such power, ~~and~~ exercise all and every, the rights, franchises and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies:
 15 Provided, however, that no such sale shall take effect until Proviso. it shall have been submitted to and received the approval of two-thirds in value of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting
 20 of the company.

10. There is hereby created and the company may issue, Issue of preferential stock authorized.
mortgage, or sell preferential stock to the amount of one hundred thousand pounds sterling, and the holders of the preferential stock hereby created, or so much thereof as may from time to
 25 time be created, shall have all the rights and powers as to voting which belong to shareholders in the capital stock of the company, and shall be entitled to receive out of the net profits of the company ~~and~~ applicable to the payment of dividends on the stock of the company, ~~and~~ interest at the rate
 30 of six per cent. per annum upon such preferential stock before any dividends or interest whatever shall become payable out of the profits of the company upon the existing ordinary share capital: Proviso. Provided, however that no such preferential stock shall be issued until the matter shall have
 35 been submitted to and received the approval of two-thirds in value of the shareholders of the said company, voting in person or by proxy, at any special or general meeting of the company.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Midland Railway of
Canada.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL)

Mr. PECK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

WHEREAS the Whitby, Port Perry and Lindsay Railway Preamble.

Company has extended its line to the town of Lindsay, and has prayed for an Act granting additional time for proceeding with further extensions, and for a change in its powers as to issuing mortgage bonds, confirmation of a certain agreement entered into with the Midland Railway of Canada, and other powers; and whereas it is expedient to grant the prayer of such petition; and whereas by an Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, and intitled an Act respecting the Whitby, Port Perry and Lindsay Railway Company, the total amount of first preferential mortgage bonds of the company was limited to the sum of ninety-four thousand five hundred pounds sterling money of Great Britain, and the total amount of second preferential mortgage bonds was limited to the sum of forty-seven thousand two hundred pounds of like money, and it is expedient to remove such limit;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the completion of the extensions and branches of the company's line is hereby extended for six years from the passing of this Act. Time extended.

2. It shall be lawful for the directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, and they are hereby empowered to issue from time to time, as occasion may require for the purposes of the company, mortgage bonds, to be called and on their face declared to be "Extension Bonds," to any amount executed by the president or vice-president for the time being of the company, and countersigned by the secretary, and such bonds may be payable to bearer in London, England, or elsewhere, as the directors think expedient, and may be assignable by delivery; but the total amount of such "extension bonds," so allowed to be issued, shall not exceed fifteen thousand dollars for each mile of the company's line hereafter constructed, and said extension bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges only upon such extension and branches of the line as shall hereafter be constructed, and each holder of said extension bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of such extension bonds upon the said extension and branches only. Issue of "extension bonds" authorized.

Power to
pledge such
bonds.

3. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any of such extension bonds for the construction of said extension or branches.

Power to call
in existing
bonds and
issue others, to
be a first
charge on line
from Port
Whitby to
Lindsay.

4. The directors may with the like sanction, and having first procured the written consent of all holders of the now outstanding mortgage bonds of the company, pay off the now outstanding mortgage bonds issued by the company, and in lieu thereof issue for the purposes of the company from time to time, as occasion may require, other mortgage bonds to any amount, executed payable and assignable as aforesaid, to be called first preferential mortgage bonds; but the total amount of such first preferential mortgage bonds shall not exceed seven hundred thousand dollars, and such first preferential mortgage bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the railway and property of the railway in and from Port Whitby to and in the town of Lindsay, and each holder of said first preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the railway and railway property in and from Port Perry to and in the town of Lindsay.

Power to issue
bonds to be a
first charge on
the whole
railway.

5. In lieu of issuing such extension bonds, or first preferential mortgage bonds, it shall be lawful for the directors, with the like sanction and consent, to pay off all now outstanding mortgage bonds issued by the company, and after such payment, to issue from time to time, as occasion may require, mortgage bonds of the company to any amount, executed payable and assignable as aforesaid; but the amount so allowed to be issued shall not exceed fifteen thousand dollars for each mile of the railway now or hereafter constructed, and such mortgage bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking and property of the railway, and each holder thereof shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company.

Power to lease
to or amalga-
mate with
other railways.

6. It shall be lawful for the company, with the consent of the shareholders first obtained at any meeting called for such purpose, to lease its line and rolling stock to any other railway company, or to amalgamate with any other railway company; and upon such leasing or amalgamation all the powers, rights, privileges, and franchises of the Whitby, Port Perry and Lindsay Railway Company, subject always to all its liabilities, shall vest in the other company.

Agreement
with Midland
railway con-
firmed.

7. It is hereby declared that a certain agreement bearing date the day of one thousand eight hundred and eighty, made between the said railway and the Midland Railway of Canada, providing for certain divisions of the earnings of the two roads, and dealing with the working of the two roads, and other matters, is valid and binding upon the respective companies according to the terms thereof.

No. 31.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Whitby, Port Perry
and Lindsay Railway Company.

First Reading,
1881.

(*PRIVATE BILL.*)

Mr. PAXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

WHEREAS the Whitby, Port Perry and Lindsay Railway Preamble.

Company has extended its line to the town of Lindsay, and has prayed for an Act granting additional time for proceeding with further extensions, and for a change in its powers as to issuing mortgage bonds, and other powers; and whereas it is expedient to grant the prayer of such petition; and whereas by an Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, and intituled an Act respecting the Whitby, Port Perry and Lindsay Railway Company, the total amount of first preferential mortgage bonds of the company was limited to the sum of ninety-four thousand five hundred pounds sterling money of Great Britain, and the total amount of second preferential mortgage bonds was limited to the sum of forty-seven thousand two hundred pounds of like money, and it is expedient to remove such limit;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the completion of the extensions and branches of the company's line is hereby extended for six years from the passing of this Act. Time extended.

2. It shall be lawful for the directors of the company, after the sanction of *two-thirds in value of* the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, and they are hereby empowered to issue from time to time, as occasion may require for the purposes of the company, mortgage bonds, to be called and on their face declared to be "Extension Bonds," to any amount executed by the president or vice-president for the time being of the company, and countersigned by the secretary, and such bonds may be payable to bearer in London, England, or elsewhere, as the directors think expedient, and may be assignable by delivery; but the total amount of such "extension bonds," so allowed to be issued, shall not exceed fifteen thousand dollars for each mile of the company's line hereafter constructed, and said extension bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges only upon such extension and branches of the line as shall hereafter be constructed, and each holder of said extension bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of such extension bonds upon the said extension and branches only. Issue of "extension bonds" authorized.

Power to
pledge such
bonds.

3. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any of such extension bonds for the construction of said extension or branches.

Power to call
in existing
bonds and
issue others, to
be a first
charge on line
from Port
Whitby to
Lindsay.

4. The directors may with the like sanction, and having first procured the written consent of all holders of the now outstanding mortgage bonds of the company, pay off the now outstanding mortgage bonds issued by the company, and in lieu thereof issue for the purposes of the company from time to time, as occasion may require, other mortgage bonds to any amount, executed, payable, and assignable as aforesaid, to be called first preferential mortgage bonds; but the total amount of such first preferential mortgage bonds shall not exceed seven hundred thousand dollars, and such first preferential mortgage bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the railway and property of the railway in and from Port Whitby to and in the town of Lindsay, and each holder of said first preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the railway and railway property in and from Port Whitby to and in the town of Lindsay.

Power to issue
bonds to be a
first charge on
the whole
railway.

5. In lieu of issuing such extension bonds, or first preferential mortgage bonds, it shall be lawful for the directors, with the like sanction and consent, to pay off all now outstanding mortgage bonds issued by the company, and after such payment, to issue from time to time, as occasion may require, mortgage bonds of the company to any amount, executed payable and assignable as aforesaid; but the amount so allowed to be issued shall not exceed fifteen thousand dollars for each mile of the railway now or hereafter constructed, and such mortgage bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking and property of the railway, and each holder thereof shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company.

No. 31.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Whibby, Port Perry
and Lindsay Railway Company.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. PAXTON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to change the name of the Town of Clifton to that of Niagara Falls.

WHEREAS the corporation of the town of Clifton has, by Preamble.
its petition, prayed that the name of the town of Clifton be changed to that of "Niagara Falls," and has by the said petition set forth that great injustice is done to the inhabitants of the said town, who largely depend upon travellers and tourists who visit that locality, owing to the attractions of the Niagara Falls, which are within the limits of the said town, and has further set forth in the said petition, that in consequence of there being another place on the American side of the river called Niagara Falls, many travellers and tourists who intend to visit the Falls are told that they must cross to the American side if they intend going to Niagara Falls; and further, that if the name of Clifton were changed to that of "Niagara Falls," many who otherwise cross the Niagara river to the American side would remain at "Niagara Falls" on the Canada side; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the incorporated town of Clifton is hereby changed from that of the "Town of Clifton" to that of the "Town of Niagara Falls."

Name of town
of Clifton
changed to
Niagara Falls.

BILL.

An Act to change the name of the Town of
Clifton to that of Niagara Falls.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. NEAR.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to change the name of the Town of Clifton to that of Niagara Falls.

WHEREAS the corporation of the town of Clifton has, by Preamble
its petition, prayed that the name of the town of Clifton be changed to that of "Niagara Falls," and has by the said petition set forth that great injustice is done to the inhabitants of the said town, who largely depend upon travellers and tourists who visit that locality, owing to the attractions of the Niagara Falls, which are within the limits of the said town, and has further set forth in the said petition, that in consequence of there being another place on the American side of the river called Niagara Falls, many travellers and tourists who intend to visit the Falls are told that they must cross to the American side if they intend going to Niagara Falls; and further, that if the name of Clifton were changed to that of "Niagara Falls," many who otherwise cross the Niagara river to the American side would remain at "Niagara Falls" on the Canada side; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the *corporation of the town* of Clifton is hereby changed from that of the Town of Clifton to that of the Town of Niagara Falls,  and the corporate name of the said town is hereby declared to be "The Corporation of the Town of Niagara Falls." 

Name of town of Clifton changed to Niagara Falls.

 2. Nothing in this Act contained shall in any way affect the validity of any by-law of the said corporation of the town of Clifton, or of any debts, debentures or other obligations of the said corporation, and all rights, powers, debts, duties and obligations of the said corporation of the town of Clifton shall be vested in, assumed by, and be and remain the rights, powers, debts, duties and obligations of the said corporation of the town of Niagara Falls. 

Rights and obligations of corporation unaffected.

No. 32.

2nd Session, 4th Legislature, 44 Vic., 1881

BILL.

An Act to change the name of the Town of
Clifton to that of Niagara Falls.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. NEAR.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Toronto Baptist College.

WHEREAS it has been represented to the Legislature of Preamble.

this Province, that the Honourable William McMaster, of Yorkville, Senator of the Dominion of Canada, has purchased from the Crown certain lands, particularly described in the
 5 conveyance thereof from the bursar of the university and colleges at Toronto, to the said the Honourable William McMaster, which conveyance bears date the twenty-third day of March, one thousand eight hundred and eighty, for the purpose of erecting thereon suitable buildings for a theological
 10 college for the education and training of students preparing for the ministry of the Regular Baptist denomination, which buildings are now in course of erection; and whereas by deed bearing date the first day of December, one thousand eight hundred and eighty, the said the Honourable William McMas-
 15 ter, has transferred the said lands to the trustees hereinafter named, upon the trust in the said deed set out; and whereas the said trustees have, by their petition, asked for an Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

20 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable William McMaster, the Honourable Alexander Mackenzie, and the Reverend John Harvard Castle,
 25 D.D., of Toronto; the Reverend A H Munro, Thomas James Claxton, A A Ayer, and John Turnbull, of Montreal; William Craig, of Port Hope; John Dryden, of Whitby Township; William J. Copp, of Hamilton; James Mills, of St. Catharines; Thomas S. Shenston, and Wil-
 30 liam Buck, of Brantford; Charles Raymond, of Guelph; Henry Moyle, of Paris, and John Alexander Boyd, Arthur Robinson McMaster, Humphrey Ewing Buchan, Joseph Benjamin McArthur, and Daniel Edmund Thomson, of Toronto; being the trustees named in the said trust deed, and all such other persons as
 35 shall hereafter become trustees, in accordance with the terms of the said trust deed and of any constitution, by-laws, or regulations, which may be adopted by the said trustees and their successors, shall be and are hereby constituted and declared to be a body corporate, by the name, style, and title of
 40 "The trustees of the Toronto Baptist College," and by that name, shall and may have perpetual succession, and a common seal, with power to break, alter and change the same at pleasure, may sue and be sued, contract and be contracted with, in the said corporate name, for all or any of the objects aforesaid,
 45 and the said trustees and their successors shall have full power to make and establish a constitution and all such and so many

Incorporation
and corporate
name.

Proviso.

rules, orders, by-laws, and regulations, not being contrary to the laws of this Province or this Act, as they shall deem useful or necessary, as well concerning the system of education to be observed and followed in the said college, as for the conduct and government thereof, and for the superintendence, advancement and improvement of all property, real or personal, which may belong to the said corporation: Provided always, that no constitution, rule, by-law, order or regulation, which shall be made and established by the said corporation in manner aforesaid, shall be of any force or effect until the same shall have been sanctioned by a vote of at least two-thirds in number of the trustees present at any regular meeting.

Power to acquire and hold property.

Proviso.

2. The said corporation shall be able and capable in law to take, purchase and hold, by any legal title whatsoever, all such lands, tenements, possessions, and property, real and personal, as may be necessary for the actual use and occupation of the said college, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed or hereafter to be conveyed to the said trustees; and to accept and hold, within the limits hereinafter prescribed for the benefit of the said college, any gifts, devises, or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said college, and to invest such moneys as they deem advisable, upon such securities as to the said trustees shall seem meet: Provided always, that real estate not required for the use and occupation of the said college, or for the residences of the professors, tutors, students and officers thereof, as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his or her heirs or devisees.

Power to appoint attorney.

3. The said corporation shall further have the right of appointing an attorney or attorneys for the management of its affairs and all other, the usual rights, powers and franchises incident to a body corporate.

Appointment and removal of professors, officers and servants.

4. The said trustees and their successors shall be the controlling body of the said college, and shall have full and exclusive power and authority as to the appointment and dismissal of all professors, tutors and teachers, and all officers and servants of the said college, and for and in respect of every matter and thing connected with the control, maintenance and regulation thereof.

Appointment and removal of trustees.

Meetings of trustees.

5. The said trustees shall have full power and authority to appoint, dismiss or remove trustees, and to appoint new trustees from time to time, in accordance with the terms of the said trust deed, and of any constitution, by-laws, or regulations which may be adopted by the said trustees, and the meetings of the said trustees, regular and special, may from time to time be held at such time and place, and at such intervals and in such manner, and subject to such rules as may be determined by the said trustees, by any constitution, by-laws, or regulations so to be adopted by them as aforesaid.

6. The said corporation may elect such officers thereof, from time to time, as may be provided for by any such constitution, by-laws or regulations so to be adopted by them, as aforesaid, and in such manner, and for such term as may be provided for by such constitution, by-laws or regulations: Election of officers. Provided, however, Proviso. that any person appointed treasurer of the said corporation shall, before entering upon his duties as such, find good and sufficient security to the satisfaction of the said trustees for the due performance of the trusts reposed in him.
- 10 7. All property which shall at any time belong to the said corporation, as well as the revenues from it, shall at all times be exclusively applied and appropriated to the purposes of the said college, and for no other object whatever. Application of property and revenue.
- 15 8. The faculty of this college, with the concurrence of the board of trustees, shall have power to confer the degree of Bachelor of Divinity and of Doctor of Divinity upon graduates in Arts of such universities as the said faculty shall recognize for that purpose; subject, however, to such regulations as to examination or otherwise as may, from time to time, be prescribed by by-law of the said faculty. Power to confer degrees in Divinity.
- 20 9. The faculty of this college, with the concurrence of the board of trustees, shall have power to confer the honorary degree of Doctor of Divinity. Honorary degrees.
- 25 10. It shall be the duty of the said corporation, at all times when they may be called upon so to do by the Lieutenant-Governor of this Province, to render an account of their property, in which shall be set forth in particular the income by them derived from property held under this Act, and the source from which the same has been derived, and also the number of professors and teachers employed in the said college, and the number of scholars under instruction and the course of instruction pursued. Return to be made when required by the Lieutenant-Governor.
- 30

BILL.

An Act to incorporate the Toronto Baptist
College.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. DRYDEN.

TORONTO:

PRINTED BY G. BLACKETT ROBINSON.

An Act to incorporate the Toronto Baptist College.

WHEREAS it has been represented to the Legislature of Preamble.

this Province, that the Honourable William McMaster, of Yorkville, Senator of the Dominion of Canada, has purchased from the Crown certain lands, particularly described in the conveyance thereof from the bursar of the university and colleges at Toronto, to the said the Honourable William McMaster, which conveyance bears date the twenty-third day of March, one thousand eight hundred and eighty, for the purpose of erecting thereon suitable buildings for a theological college for the education and training of students preparing for the ministry of the Regular Baptist denomination, which buildings are now in course of erection; and whereas by deed bearing date the first day of December, one thousand eight hundred and eighty, the said the Honourable William McMaster, has transferred the said lands to the trustees hereinafter named, upon the trusts in the said deed set out; and whereas the said trustees have, by their petition, asked for an Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable William McMaster, the Honourable Alexander Mackenzie, and the Reverend John Harvard Castle, D.D., of Toronto; the Reverend *Andrew Heber Munro*, Thomas James Claxton, *Albert Azro Ayer*, and John Turnbull, of Montreal; William Craig, of Port Hope; John Dryden, of Whitby Township; William J. Copp, of Hamilton; James Mills, of St. Catharines; Thomas S. Shenston, and William Buck, of Brantford; Charles Raymond, of Guelph; Henry Moyle, of Paris, and John Alexander Boyd, Arthur Robinson McMaster, Humphrey Ewing Buchan, Joseph Benjamin McArthur, and Daniel Edmund Thomson, of Toronto being the trustees named in the said trust deed, and all such other persons as shall hereafter become trustees, in accordance with the terms of the said trust deed and of any constitution, by-laws, or regulations, which may be adopted by the said trustees and their successors, shall be and are hereby constituted and declared to be a body corporate, by the name, style, and title of "The trustees of the Toronto Baptist College," and by that name, shall and may have perpetual succession, and a common seal, with power to break, alter and change the same at pleasure, may sue and be sued, contract and be contracted with, in the said corporate name, for all or any of the objects aforesaid, and the said trustees and their successors shall have full power to make and establish a constitution and all such and so many

Incorporation and corporate name.

rules, orders, by-laws, and regulations, not being contrary to the laws of this Province or this Act, as they shall deem useful or necessary, as well concerning the system of education to be observed and followed in the said college, as for the conduct and government thereof, and for the superintendence, advantage and improvement of all property, real or personal, which may belong to the said corporation: Provided always, that no constitution, rule, by-law, order or regulation, which shall be made and established by the said corporation in manner aforesaid, shall be of any force or effect until the same shall have been sanctioned by a vote of at least two-thirds in number of the trustees present at any regular meeting.

Power to acquire and hold property.

2. The said corporation shall be able and capable in law to take, purchase and hold, by any legal title whatsoever, all such lands, tenements, possessions, and property, real and personal, as may be necessary for the actual use and occupation of the said college, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed or hereafter to be conveyed to the said trustees; and to accept and hold, within the limits hereinafter prescribed for the benefit of the said college, any gifts, devises, or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said college, and to invest such moneys as they deem advisable, upon such securities as to the said trustees shall seem meet: Provided always, that real estate not required for the use and occupation of the said college, or for the residences of the professors, tutors, students and officers thereof, as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his or her heirs or devisees.

Proviso.

Power to appoint attorney.

3. The said corporation shall further have the right of appointing an attorney or attorneys for the management of its affairs and all other, the usual rights, powers and franchises incident to a body corporate.

Appointment and removal of professors, officers and servants.

4. The said trustees and their successors shall be the controlling body of the said college, and shall have full and exclusive power and authority as to the appointment and dismissal of all professors, tutors and teachers, and all officers and servants of the said college, and for and in respect of every matter and thing connected with the control, maintenance and regulation thereof, but subject to all the laws of this Province in that behalf.

Appointment and removal of trustees.

5. The said trustees shall have full power and authority to appoint, dismiss or remove trustees, and to appoint new trustees from time to time, in accordance with the terms of the said trust deed, and of any constitution, by-laws, or regulations in that behalf which may, in accordance with the terms of the said trust deed, be adopted by the said trustees.

6. ~~The~~ The first regular meeting of the said trustees shall be Meetings of trustees.
held in the city of Toronto, in Jarvis Street Baptist Church,
on Tuesday, the twelfth day of April next after the passing
of this Act, of which such first meeting public notice shall
5 be given by advertisement published for two weeks prior
thereto in the newspaper called *The Canadian Baptist*; and
thereafter all the ~~the~~ meetings of the said trustees, regular and
special, may from time to time be held at such time and place,
and at such intervals and in such manner, and subject to such
10 rules as may be determined by the said trustees, by any con-
stitution, by-laws, or regulations so to be adopted by them as
aforesaid.

7. The said corporation may elect such officers thereof, from Election of officers.
time to time, as may be provided for by any such constitution,
15 by-laws or regulations so to be adopted by them, as aforesaid,
and in such manner, and for such term as may be provided for
by such constitution, by-laws or regulations: Provided, however, Proviso.
that any person appointed treasurer of the said corporation shall,
before entering upon his duties as such, find good and sufficient
20 security to the satisfaction of the said trustees for the due
performance of the trusts reposed in him.

8. All property which shall at any time belong to the said Application of property and revenue.
corporation, as well as the revenues from it, shall at all times
be exclusively applied and appropriated to the purposes of the
25 said college, and for no other object whatever.

9. The faculty of *the said* college, with the concurrence of Power to confer degrees in Divinity.
the board of trustees, shall have power to confer the degree of
Bachelor of Divinity and of Doctor of Divinity upon graduates
in Arts of such universities as the said faculty shall recognize
30 for that purpose; subject, however, to such regulations as to
examination or otherwise as may, from time to time, be pre-
scribed by by-law of the said faculty.

10. The faculty of *the said* college, with the concurrence of Honorary degrees.
the board of trustees, shall have power to confer the honorary
35 degree of Doctor of Divinity.

11. It shall be the duty of the said corporation, at all times Return to be made when required by the Lieutenant-Governor.
when they may be called upon so to do by the Lieutenant-Gov-
ernor of this Province, to render an account of their property,
in which shall be set forth in particular the income by them
40 derived from property held under this Act, and the source from
which the same has been derived, and also the number of pro-
fessors and teachers employed in the said college, and the num-
ber of scholars under instruction and the course of instruction
pursued.

No. 33.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the Toronto Baptist
College.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. DRYDEN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Act incorporating the Toronto Life Assurance and Tontine Company.

WHEREAS the Toronto Life Assurance and Tontine Com- Preamble.
pany have, by their petition, prayed for certain amend-
ments to their Act of incorporation, and it is expedient to grant
the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The corporate name of the company shall hereafter be Name of
the Toronto Assurance Company, but no claims of or upon or company.
10 contracts made by or with the said company, shall be affected
by the said change of name.

2. The stock of the said company may be increased to one Increase of
million of dollars, and the amounts to be called or to be paid stock.
in upon new stock shall be in the discretion of the board of
15 directors.

3. The company shall have power to transact the business Powers as to
of fire insurance generally, without the limitations mentioned business of
in the eighth section of its first Act of incorporation. fire insurance.

4. The amount paid in upon the existing stock of the com- Life fund.
20 pany and the amount of the life reinsurance fund, as deter-
mined at the making of the last annual balance sheet, shall,
together with the interest arising thereon, and the premiums
received for life assurances, form a life fund, which shall not
be responsible for losses or claims arising from fire insurance.

25 5. The board of directors may set apart certain securities Fire fund.
or sums of money, not exceeding in amount the surplus of the
company above capital and reserve, as determined by the last
annual balance sheet, to form, with the premiums for fire in-
surance, a fire fund, and the amounts to be paid upon new
30 shares, or to be called in upon existing shares, may also be in-
vested as part of such fund, and the fire fund shall be alone
responsible for losses and expenses of fire insurance, and the
life fund for the losses and expenses of life assurance, and ex-
penses common to both branches shall be equitably divided
35 between the two funds according to the best judgment of the
directors not later in each year than the making of the
annual balance sheet; and in case of any deficiency in either
fund, cash or securities equal in value to the profits be-
longing to the company at the credit of the other fund, after
40 provision for the necessary reserves, but no more, may, at the

discretion of the directors be transferred to the fund in which the deficiency exists, but the unpaid portion of the capital stock of the company shall be liable for losses in both funds ; in estimating the liabilities of either fund, due provision shall be made for losses to occur on policies in force. 5

Investment of assets. 6. The company may invest its assets in the stocks or bonds of land and loan companies, or of those known as building and savings' societies, or of chartered banks.

Votes. 7. At all meetings of shareholders hereafter held, each shareholder shall have as many votes as there are dollars paid in 10 upon the shares which he holds.

Returns. 8. The company's returns are hereafter to be made to the superintendent of insurance, and in the form prescribed by him, and not to the Legislature, or in the manner prescribed by the sixteenth section of its Act of incorporation. 15

Powers of company not affected. 9. The powers given to the company in its Act of incorporation are hereby continued to it without being affected by the passage of this Act.

When Act to take effect. 10. This Act shall not have effect until adopted at a meeting of shareholders called for that purpose. 20

BILL.

An Act to amend the Act incorporating the
Toronto Life Assurance and Tontine Com-
pany.

First Reading,
, 1881.

(PRIVATE BILL).

Mr. BELL.

TORONTO:

PRINTED BY C. BLACKETT ROBINS N.

An Act respecting the London Junction Railway Company.

WHEREAS the London Junction Railway Company have, Preamble.
by their petition, prayed for an extension of the time
fixed for the construction of the railway authorized by their
Act of incorporation; and whereas it is expedient to grant the
5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The time limited by the Act of incorporation of said Time for com-
10 company for the commencement of the said railway, is hereby mencement
extended for two years from the passing of this Act, and the and comple-
time for the completion thereof is hereby extended for four tion of railway
years from the passing of this Act, and all powers and privi- extended.
15 leges conferred upon the said company, or upon any other cor-
poration in relation to the said company by the said Act, shall
continue to be enjoyed by them, and every provision conferring
such powers shall continue in force notwithstanding the ex-
piry of the times fixed for the commencement and completion
of the said railway.

20 2. Any corporation authorized by the said Act to aid the Aid by gift of
said company by way of bonus, may also do the same by gift real or person-
to the said company of any real or personal property. al property.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the London Junction
Railway Company.

First Reading,	1881.
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(*PRIVATE BILL.*)

Mr. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the London Junction Railway Company.

WHEREAS the London Junction Railway Company have, Preamble.
by their petition, prayed for an extension of the time
fixed for the construction of the railway authorized by their
Act of incorporation; and whereas it is expedient to grant the
5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The time limited by the Act of incorporation of said Time for com-
10 company for the commencement of the said railway, is hereby ment and comple-
extended for two years from the passing of this Act, and the tion of railway
time for the completion thereof is hereby extended for four extended.
years from the passing of this Act, and all powers and privi-
leges conferred upon the said company, or upon any other cor-
15 poration in relation to the said company by the said Act, shall
continue to be enjoyed by them, and every provision conferring
such powers shall continue in force notwithstanding the ex-
piry of the times fixed for the commencement and completion
of the said railway.  subject, however, to the provisions of
20 sections sixteen and seventeen of the Act passed in the forty-
third year of Her Majesty's reign, chaptered twenty-seven,
and any Act amending or altering the same, which may be
passed during the present session. 

2. Any corporation authorized by the said Act to aid the Aid by gift of
25 said company by way of bonus, may also do the same by gift real or person-
to the said company of any real or personal property. al property.

 3. John McClary, James Armstrong, Andrew Cleghorn, First directors.
John Labatt, George S. Birrell, Charles S. Hyman, John B.
Laing, and George Robinson shall be the first directors of the
30 said company, instead of the directors named by the said
Act. 

No. 35.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the London Junction
Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to enable the Trustees of Bethel Congregation, of the Town of Orangeville, to sell certain land.

WHEREAS John James Curry and Charles Gillespie, of the township of Amaranth, Adam Hunter, of the township of Garafraxa, John Harshaw, of the township of Mono, Henry Torrance, of the township of Caledon, and Alexander Skelton, Alexander MacGowan and Samuel H. McKitrick, of the town of Orangeville, trustees of the St. Andrew's congregation, of the town of Orangeville, in connection with the Presbyterian Church in Canada, have, by their petition, set forth that, by an indenture dated the twentieth day of June, in the year of our Lord one thousand eight hundred and fifty-three, Orange Lawrence being the owner in fee simple of the lands in the said deed described, and hereinafter mentioned, granted and conveyed the same unto Alexander Skelton, John Phenix (the elder), John Corbit (the elder), William Hunter and William Kilpatrick, as trustees of the Bethel congregation, of the town of Orangeville, in connection with the Presbyterian Church in Canada, and their successors in office for ever, in trust for the use of the said congregation, for the support of public worship and the propagation of Christian knowledge, and for the benefit of the said congregation for a place of worship, manse and burying ground, and that the said lands are, by the terms and conditions of the said deed, now vested in the said petitioners as succeeding trustees as aforesaid; and whereas the said petitioners have further represented that the said congregation have united with the Zion congregation of the said Presbyterian church in Orangeville, and now form a new or united congregation, under the name of "St. Andrew's" Presbyterian church at Orangeville, in connection with the Presbyterian Church in Canada, and that the said lands, which have been heretofore used by the said Bethel congregation as a place for public worship and a burial ground, in consequence of the union aforesaid are not further required by the said congregation, and that the said congregation are desirous of removing the bodies interred therein, and selling and disposing of the said lands, and appropriating the proceeds of the sale thereof towards the liquidation of a certain debt incurred in the erection of a new place of worship for the said new or united congregation; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said petitioners, John James Curry, Charles Gillespie, Adam Hunter, John Harshaw, Henry Torrance, Alexander Skelton, Alexander MacGowan and Samuel H. McKitrick, trustees as aforesaid, and the survivor or survivors of them or their

Preamble.

Sale of land authorized.

successors in office, shall have full and absolute power and authority to sell and convey the said lands in the said deed described, and being lots numbers eleven and twenty-three, in block number eight, in the town of Orangeville, and county of Wellington, according to a plan of lots laid out, at the 5 instance of the municipality of the township of Garafraxa, by Charles J. Wheelock, Esquire, Provincial land surveyor, and filed in the registry office for the said county of Wellington, and also that certain other parcel or tract of land, known and described as follows: being in the rear of lot twenty-three 10 last mentioned, and separated from it by a street three rods in width, running parallel with the county line (now Broadway street), and which is now known as York street, and commencing at a point eight rods from the most south-easterly point of Bythia street, at its intersection with York street, and 15 running hence easterly along York street four rods; thence rearward southerly, at right angles to York street, twenty rods; thence westerly, parallel to York street, four rods; thence northerly, at right angles to York street, twenty rods, more or less, to the place of beginning; in one or several parcels, from time 20 to time, at private sale or public auction, for cash or on credit or partly for cash and partly on credit, secured in such manner as to them, the said trustees or the survivor or survivors of them or their successors in office, shall seem fit, with power to buy in at any auction or auctions, and resell and rescind or vary any 25 sale or contract for sale that may be entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales to make, execute and deliver a conveyance or conveyances, and demand, sue for and receive the consideration money, and release and discharge all mortgages 30 or other securities that may be given for the purchase money of the same or any part thereof.

Application of
proceeds of
sale.

2. The said trustees and the survivor or survivors of them, or their successors in office, shall apply the proceeds of such sale or sales towards the liquidation of the said debt, incurred 35 in the erection of the present place of worship, now occupied by the said new or united congregation.

Removal of
remains of
dead.

3. The said trustees or the survivor or survivors of them or their successors in office, may raise and remove all bodies interred in the said lot and re-inter the same either in the ceme- 40 tery known as the "Forest Lawn Cemetery," adjacent to Orangeville, or in the cemetery now owned by the corporation of the said town of Orangeville and known as "The Town Cemetery":

Proviso.

Provided that, when removing and re-interring said bodies, it shall be the duty of the said trustees so acting here- 45 under to remove all monuments, head and foot stones and other memorials now marking the graves of the respective bodies, and place the same respectively in their proper places at the respective graves where the said bodies shall respec-

Proviso.

tively be re-interred: Provided further that no such removal of 50 bodies shall be made until after notice shall have been published in eight consecutive issues of one of the newspapers at Orangeville of the intention of the said trustees, or the survivor or survivors of them or their successors in office, to raise and

Proviso.

remove said bodies: Provided also that it shall be the duty of 55 the said trustee or trustees acting hereunder to remove all bodies interred in the said lands therefrom, and re-inter the same as aforesaid, before giving possession of said lands to the purchaser or purchasers thereof.

No. 36.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to enable the Trustees of Bethel
Congregation, of the Town of Orangeville,
to sell certain lands.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. JELLY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to enable the Trustees of Bethel Congregation, of the Town of Orangeville, to sell certain land.

WHEREAS John James Curry and Charles Gillespie, of the township of Amaranth, Adam Hunter, of the township of Garafraxa, John Harshaw, of the township of Mono, Henry Torrance, of the township of Caledon, and Alexander Skelton, Alexander MacGowan and Samuel H. McKitrick, of the town of Orangeville, trustees of the St. Andrew's congregation, of the town of Orangeville, in connection with the Presbyterian Church in Canada, have, by their petition, set forth that, by an indenture dated the twentieth day of June, in the year of our Lord one thousand eight hundred and fifty-three, Orange Lawrence being the owner in fee simple of the lands in the said deed described, and hereinafter mentioned, granted and conveyed the same unto Alexander Skelton, John Phenix (the elder), John Corbit (the elder), William Hunter and William Kilpatrick, as trustees of the Bethel congregation, of the town of Orangeville, in connection with the Presbyterian Church of Canada, *in connection with the Church of Scotland*, and their successors in office for ever, in trust for the use of the said congregation, for the support of public worship and the propagation of Christian knowledge, and for the benefit of the said congregation for a place of worship, manse and burying ground, and that the said lands are, by the terms and conditions of the said deed, now vested in the said petitioners as succeeding trustees as aforesaid; and whereas the said petitioners have further represented that the said congregation have united with the Zion congregation of the said Presbyterian church in Orangeville, and now form a new or united congregation, under the name of "St. Andrew's" Presbyterian church at Orangeville, in connection with the Presbyterian Church in Canada, and that the said lands, which have been heretofore used by the said Bethel congregation as a place for public worship and a burial ground, in consequence of the union aforesaid are not further required by the said congregation, and that the said congregation are desirous of removing the bodies interred therein, and selling and disposing of the said lands, and appropriating the proceeds of the sale thereof towards the liquidation of a certain debt incurred in the erection of a new place of worship for the said new or united congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of land
authorized.

1. *It shall be lawful for the said petitioners, John James Curry, Charles Gillespie, Adam Hunter, John Harshaw, Henry Torrance, Alexander Skelton, Alexander MacGowan and Samuel H. McKitrick, trustees as aforesaid, and the survivor or survivors of them or their successors in office, and they are hereby* 5
authorized by deed to lease, mortgage, or sell and convey, in
fee simple or for any lesser estate, the said lands in the said
deed described, and being lots numbers eleven and twenty-
three, in block number eight, in the town of Orangeville, and
county of Dufferin (formerly a part of the County of Wel- 10
lington,) according to a plan of lots laid out, at the in-
stance of the municipality of the township of Garafraxa, by
Charles J. Wheelock, Esquire, Provincial land surveyor, and
filed in the registry office for the said county of Wellington,
and also that certain other parcel or tract of land, known and 15
described as follows: being in the rear of lot twenty-three
last mentioned, and separated from it by a street three rods in
width, running parallel with the county line (now Broadway
street), and which is now known as York street, and com-
mencing at a point eight rods from the most south-easterly 20
point of Bythia street, at its intersection with York street, and
running hence easterly along York street four rods; thence
rearward southerly, at right angles to York street, twenty rods;
thence westerly, parallel to York street, four rods; thence
northerly, at right angles to York street, twenty rods, more or 25
less, to the place of beginning; and they are hereby author-
ized to sell the same either by public auction or private con-
tract, and either for cash or on credit, and in such parcels, for
such prices, and upon such terms and conditions as may be
deemed expedient, and the said trustees, and the survivor or 30
survivors of them and their successors are empowered to so
lease, mortgage, or sell and convey as aforesaid the said lands,
freed and discharged from all trusts under which they are now
held, and of and from all right, title, interest, claim, and de-
mand of any person or persons, or of their representatives. 35

Application of
proceeds of
sale.

2. The said trustees and the survivor or survivors of them or their successors in office, shall apply the proceeds of such sale or sales towards the liquidation of the said debt, incurred in the erection of the present place of worship, now occupied by the said new or united congregation. 40

Purchasers
not bound to
see to applica-
tion of pur-
chase money.

3. No person or persons, body or bodies corporate, who have purchased or shall purchase the said lands or any part thereof, shall be in any way bound to see to the application, or be answerable for the non-application of the purchase money or any part thereof. 45

Remains of
dead may be
removed from
part of ceme-
tery after
notice.

4. The said trustees, and the survivor or survivors of them and their successors, shall have full power and authority, after giving notice as hereinafter required, to remove of their own accord, and at their own expense, and without any further notice to the friends or relatives of the dead, all the remains 50
of the dead now interred in any part of the said lands from their said place of interment therein, to the cemetery known as the "Forest Lawn Cemetery," adjacent to Orangeville, or to the cemetery now owned by the corporation of the said town of Orangeville, and known as the "Town Cemetery;" and 55
the remains of the dead so removed shall be re-interred at the

expense of the said trustees and their successors, in burial places or plots corresponding in size, as nearly as may be, with those from which such remains shall have been removed. 

-  5. The said trustees, and the survivor or survivors of them and their successors in office, before removing the remains of the dead, in the last preceding section authorized, shall, during the period of one month, publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the town of Orangeville, which said notice shall set forth the powers in the last preceding section granted, and that persons owning burial lots from which the remains of the dead are sought to be removed, will, upon removing the said remains either to the Forest Lawn Cemetery or to the Town Cemetery aforesaid, receive conveyances of burying plots therein, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees and their successors shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment of said remains in such cemetery aforesaid. 
- Notice of removal.

-  6. It shall be the duty of the said trustees, and the survivor or survivors of them, and their successors, to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the county judge of the county of Dufferin for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office for the said county, on the production thereof to the registrar, and the payment to him of one dollar as a fee for such registration. 
- Care to be taken that all remains are removed before sale of land.

No. 36.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to enable the Trustees of Bethel
Congregation, of the Town of Orangeville,
to sell certain lands.

(Reprinted as amended.)

First Reading, 31st January, 1881.

Mr. JELLY.

TORONTO :

PRINTED BY G. BLACKETT ROBINSON.

An Act to incorporate the Federal Fire Insurance Company, of Ontario.

WHEREAS Thomas Stock and Charles Sealey, of the vil- Preamble.
lage of Waterdown, John Walter Murton, of the city
of Hamilton, Thomas Bain, of the fownship of West Flam-
borough, James Delmer Lafferty, of the township of East
5 Flam'borough, Franklin M. Carpenter, of the township of Salt-
fleet, in the county of Wentworth, and William Burrill, of the
township of Onondaga, in the county of Brant, esquires, have,
by their petition, prayed that a company may be incorporated
under the name of "The Federal Fire Insurance Company of
10 Ontario," for the purpose of carrying on the business of fire
insurance, and insuring property against damage or injury by
fire, explosion, or other cause of injury or loss, and re-insuring
property, real and personal, insured by any other company;
and whereas it is expedient to grant the prayer of the said
15 petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said Thomas Stock, Charles Sealey, John Walter
20 Murton, Thomas Bain, William Burrill, James Delmer Lafferty,
and Franklin M. Carpenter, after having complied with the
requirements of this Act as to the subscription of stock, and
such persons as now are or hereafter shall become shareholders
of the said company, shall be and are hereby created, consti-
25 tuted and declared to be a body corporate and politic in law
and fact, by the name of "The Federal Fire Insurance Com-
pany of Ontario," for the purpose of carrying on the business
of fire insurance, and all things appertaining thereto, or con-
nected therewith, in the Province of Ontario.

Incorporation
and corporate
name.

2. The stock of the company shall be five hundred thousand
dollars, divided into five thousand shares of one hundred dol-
lars each, which said shares shall be and are hereby vested in
the several persons who shall subscribe for the same, their
legal representatives and assigns, subject to the provisions of
35 this Act: Provided that the board of directors may, by a vote
of the shareholders at a special meeting called for that pur-
pose, increase the amount of the capital stock at any time, or
from time to time, to an amount not exceeding in the whole,
one million dollars.

Capital stock.

Proviso.

3. None of the persons or bodies corporate who may sub-
scribe for stock, shall be liable for any further sum than the
unpaid amount upon the stock subscribed for, and the shares
shall be deemed personal estate.

Liability of
shareholders.

Provisional
directors.

4. Until the election of directors hereinafter provided for, the provisional board of directors shall consist of the said Thomas Stock, Charles Sealey, John Walter Murton, Thomas Bain, John Burrill, James Delmer Lafferty, and Franklin M. Carpenter.

5

Powers of
provisional
directors.

5. The provisional board of directors, or, if any of the said provisional directors shall die or resign, those remaining directors, or a majority of them, shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the provisional directors, or their survivors, or a majority of them, are hereby authorized to receive from the shareholders a deposit of fifteen per centum of the amount of stock subscribed by such persons respectively, and are hereby required to pay out of such deposit all costs, charges, and expenses, incurred in the application for and in the obtaining of this Act, and the organizing of the said company, and shall hold office until the first regular meeting and election of directors as hereinafter provided for.

15

First election
of directors.

6. When, and so soon as one hundred thousand dollars of the capital stock of said company shall be subscribed, and thousand dollars thereof paid in, the provisional board of directors shall, by advertisement in one paper published in the city of Hamilton, and in the *Ontario Gazette*, call a general meeting of the shareholders to elect a board of directors to manage the affairs of the said company under this Act.

25

Powers of
directors.

7. The board of directors shall have power to make, and from time to time, alter such by-laws, rules and regulations, as to them shall appear proper, for the well ordering of the company, to make calls upon the shares of the respective shareholders, at such times as they may deem requisite for the purposes and interests of the said company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which said calls have not been duly paid, within thirty days after the same shall have become due and payable, and may issue any such forfeited stock, and may allot the same, or any part thereof, to any person or corporation, or sell the same, or any portion thereof: Provided always, that such successive calls of stock shall be made at intervals of not less than two months between such calls, and no call shall exceed ten per centum, and thirty days' notice shall be given of every such call by a letter mailed and registered, and the said call or calls shall become due and payable at the expiration of thirty days from such mailing; the board of directors shall also have power to fill any vacancies in their said board occurring between the usual meetings of shareholders hereinafter provided for, from time to time as they may occur; the board of directors, or a quorum, or a majority of such quorum present at any meeting, shall also at all times have power to appoint officers and agents, and to fix the remuneration and term of office of said officers and agents, and to define the duties and obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and agents at pleasure, and generally to transact all necessary matters and things connected with the business of the company;

55

Proviso.

at all meetings of the directors, three members of the board shall be a quorum, and such quorum shall have all the powers and authority of the full board of directors, and all questions at such meetings shall be decided by a majority of the votes of the directors then present thereat; and in case of any equality of votes, the president, vice-president, or presiding director, shall have a casting vote in addition to his vote as director; the directors may also appoint honorary members or local directors in any city or town in which the company transacts business, with such duties, powers and remuneration as they may deem proper, for the transaction of the business of the company in such places, but no person shall be qualified to be elected a director, or continue as such, unless he holds in his own name, stock in said company to the amount of fifteen shares, or as local or honorary director, unless he holds in his own name, stock in said company to the amount of ten shares, whereon all calls shall have been duly paid, and all liability actually matured and incurred by him with the said company also paid.

8. The company may hold such real estate, not exceeding the annual value of five thousand dollars, as is required for offices, and such other estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or judgments recovered: Provided, that all such last mentioned real estate, shall be sold within five years from the time of its becoming the absolute property of the company.

9. The directors of the company at a meeting held for such specific purpose, may declare such annual or semi-annual dividends upon the capital stock, as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

10. The shares of the company shall be transferable by the parties holding the same, according to the by-laws of the company, but no share shall be transferable until all calls previously made thereon are paid, whether the thirty days' notice thereon had expired or not, and the transmission of interest in any share in the stock of the company, in consequence of marriage, insolvency or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct, and in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the defendant being an owner of shares therein, according to the books of the company, is indebted to the company, in respect of so many shares in the sum due, and at the trial it shall only be necessary to prove that the defendant was owner of such shares, and that the call was duly made according to the by-laws or rules of the company.

11. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president, vice-president, or managing director, or secretary of the company, and sealed with the corporate seal of the company, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof,

and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Company not bound to see to execution of trusts.

12. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of the stock may be subject, or to which any policy or policies may be subject, and all receipts of the person in whose name any share stands, or by whom any policy or policies appears to be held in the books of the company, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust. 5 10

Head office.

13. The head office of the company shall be in the City of Hamilton, or elsewhere in the Province of Ontario as may be determined by the shareholders. 15

Annual and other meetings and notice thereof.

14. Until otherwise determined by the board, the books of the company shall be annually balanced on the thirty-first day of December in each year, and within three months from the day aforesaid, a general meeting of the shareholders shall be called 20 by the board of directors, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting, or of any special meeting of shareholders, shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*. 25

Election of directors.

15. At such general meeting, shareholders shall have one vote for each share upon which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall at such meeting elect not less than five, nor more than fifteen 30 directors, in such manner as may be provided for by the by-law of the company, and which election of directors shall be by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote, but the company shall not be dissolved by failure to hold the said general meeting or to elect directors thereat; but it shall be lawful on any other day, to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made; corporations holding stock in the company may be represented by 40 their executive officers, and the shareholders, at a general annual meeting, shall decide the remuneration to be paid to the directors, president, and vice-president.

Special meetings.

16. Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one- 45 third of the company's stock; and ten days' notice of all special meetings, stating the object for which they are called, shall be sent to each shareholder by mail, and lists of the shareholders shall at all times be accessible to any of them.

Penalty for paying dividend, if such payment impairs capital.

17. If the directors of the company declare and pay any 50 dividend, when the company is insolvent, or any dividend, the payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend,

shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith,
 5 or if any director then absent do within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be
 10 possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

18. The company shall be subject to all general laws which have been or may hereafter be enacted by the Legislature of
 15 Ontario, in reference to companies carrying on the business of fire insurance. General laws as to fire insurance to apply.

BILL.

An Act to incorporate the Federal Fire
Insurance Company, of Ontario.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. GIBSON, (*Hamilton*).

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Federal Fire Insurance Company, of Ontario.

WHEREAS Thomas Stock and Charles Sealey, of the vil- Preamble.
lage of Waterdown, John Walter Murton, of the city
of Hamilton, Thomas Bain, of the township of West Flam-
borough, James Delmer Lafferty, of the township of East
5 Flamborough, Franklin M. Carpenter, of the township of Salt-
fleet, in the county of Wentworth, and William Burrill, of the
township of Onondaga, in the county of Brant, Esquires, have,
by their petition, prayed that a company may be incorporated
under the name of "The Federal Fire Insurance Company of
10 Ontario," for the purpose of carrying on the business of fire
insurance, and insuring property against damage or injury by
fire, explosion, or other cause of injury or loss, and re-insuring
property, real or personal, insured by any other company;
and whereas it is expedient to grant the prayer of the said
15 petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said Thomas Stock, Charles Sealey, John Walter Incorporation
and corporate
name.
20 Murton, Thomas Bain, William Burrill, James Delmer Lafferty,
and Franklin M. Carpenter, after having complied with the
requirements of this Act as to the subscription of stock, and
such persons as now are or hereafter shall become shareholders
of the said company, shall be and are hereby created, consti-
25 tuted and declared to be a body corporate and politic in law
and fact, by the name of "The Federal Fire Insurance Com-
pany of Ontario," for the purpose of carrying on the business
of fire insurance, and all things appertaining thereto, or con-
nected therewith, in the Province of Ontario.

30 2. The stock of the company shall be five hundred thousand Capital stock.
dollars, divided into five thousand shares of one hundred dol-
lars each, which said shares shall be and are hereby vested in
the several persons who shall subscribe for the same, their
legal representatives and assigns, subject to the provisions of
35 this Act: Provided that the board of directors may, by a vote Proviso.
of the shareholders at a special meeting called for that pur-
pose, increase the amount of the capital stock at any time, or
from time to time, to an amount not exceeding in the whole,
one million dollars.

40 3. None of the persons or bodies corporate who may sub- Liability of
shareholders.
scribe for stock, shall be liable for any further sum than the
unpaid amount upon the stock subscribed for, and the shares
shall be deemed personal estate.

Provisional
directors.

4. Until the election of directors hereinafter provided for, the provisional board of directors shall consist of the said Thomas Stock, Charles Sealey, John Walter Murton, Thomas Bain, John Burrill, James Delmer Lafferty, and Franklin M. Carpenter.

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Powers of
provisional
directors.

5. The provisional board of directors, or, if any of the said provisional directors shall die or resign, those remaining directors, or a majority of them, shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the provisional 10 directors, or their survivors, or a majority of them, are hereby authorized to receive from the shareholders a deposit of fifteen per centum of the amount of stock subscribed by such persons respectively, and are hereby required to pay out of such deposit all costs, charges, and expenses, incurred in the applica- 15 tion for and in the obtaining of this Act, and the organizing of the said company, and shall hold office until the first regular meeting and election of directors as hereinafter provided for.

First election
of directors.

6. When, and so soon as one hundred thousand dollars of 20 the capital stock of said company shall be subscribed, and *twenty* thousand dollars thereof paid in, the provisional board of directors shall, by advertisement in one paper published in the city of Hamilton, and in the *Ontario Gazette*, call a general meeting of the shareholders to elect a board of directors to 25 manage the affairs of the said company under this Act.

Powers of
directors.

7. The board of directors shall have power to make, and from time to time, alter such by-laws, rules and regulations, as to them shall appear proper, for the well ordering of the company, to make calls upon the shares of the respective 30 shareholders, at such times as they may deem requisite for the purposes and interests of the said company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which said calls have not been duly paid, within thirty days after the same shall have become due and payable, 35 and may re-issue any such forfeited stock, and may allot the same, or any part thereof, to any person or corporation, or sell the same, or any portion thereof: Provided always, that such

Proviso.

successive calls of stock shall be made at intervals of not less than two months between such calls, and no call shall exceed 40 ten per centum, and thirty days' notice shall be given of every such call by a letter mailed and registered,  and directed to the proper post office address of the shareholder in respect of whose shares such call is made,  and the said call or calls shall become due and payable at the expiration of 45 thirty days from such mailing; the board of directors shall also have power to fill any vacancies in their said board occurring between the usual meetings of shareholders hereinafter provided for, from time to time as they may occur; the board of directors, or a quorum, or a majority of such quorum present 50 at any meeting, shall also at all times have power to appoint officers and agents, and to fix the remuneration and term of office of said officers and agents, and to define the duties and obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and 55 agents at pleasure, and generally to transact all necessary mat-

ters and things connected with the business of the company ;
 at all meetings of the directors, three members of the board
 shall be a quorum, and such quorum shall have all the powers
 and authority of the full board of directors, and all questions
 5 at such meetings shall be decided by a majority of the votes
 of the directors then present thereat ; and in case of an
 equality of votes, the president, vice-president, or presiding di-
 rector, shall have a casting vote in addition to his vote as
 director ; the directors may also appoint honorary members
 10 or local directors in any city or town in which the company
 transacts business, with such duties, powers and remuneration
 as they may deem proper, for the transaction of the business
 of the company in such places, but no person shall be qualified
 to be elected a director, or continue as such, unless he holds in
 15 his own name, stock in said company to the amount of fifteen
 shares, or as local or honorary director, unless he holds in his
 own name, stock in said company to the amount of ten shares,
 whereon all calls shall have been duly paid, and all liability
 actually matured and incurred by him with the said company
 20 also paid.

8.  No policy shall be issued by said company until twen- Real estate.
 ty thousand dollars of the capital stock are actually paid in as
 aforesaid ;  the company may hold such real estate, not ex-
 ceeding the annual value of five thousand dollars, as is required
 25 for offices, and such other estate as shall have been *bona fide*
 mortgaged to it by way of security, or conveyed to it in satisfac-
 tion of debts, or judgments recovered : Provided, that a'l such Proviso.
 last mentioned real estate, shall be sold within five years from
 the time of its becoming the absolute property of the company.

30 9. The directors of the company at a meeting held for such Dividenda.
 specific purpose, may declare such annual or semi-annual divi-
 dends upon the capital stock, as they shall deem justified by
 its business, *but* so that no part of the capital thereof be appro-
 priated to such dividends.

35 10. The shares of the company shall be transferable by the Transfer of
shares.
 parties holding the same, according to the by-laws of the com-
 pany, but no share shall be transferable until all calls previ-
 ously made thereon are paid, whether the thirty days' notice
 thereon had expired or not, and the transmission of interest in
 40 any share in the stock of the company, in consequence of mar-
 riage, insolvency or death of the shareholder, or by any other
 means than the ordinary transfer, shall be proved and regulated
 in such form as the board may from time to time direct, and
 in any action for the recovery of calls or arrears of calls, it
 45 shall be sufficient for the company to allege and prove that
 the defendant being an owner of shares therein, according to
 the books of the company, is indebted to the company, in res-
 pect of so many shares in the sum due, and at the trial it shall
 only be necessary to prove that the defendant was owner of
 50 such shares. and that the call was duly made according to the
 by-laws or rules of the company.

11. A copy of any by-law, rule, regulation or minute, or of Copies of by-
laws, etc., as
evidence.
 any entry in any book of the company, certified to be a true
 copy or extract under the hand of the president, vice-president,
 55 or managing director, or secretary of the company, and sealed

with the corporate seal of the company, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

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Company not bound to see to execution of trusts.

12. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of the stock may be subject, or to which any policy or policies may be subject, and all receipts of the person in whose name any share stands, or by whom any policy or policies appears to be held in the books of the company, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust.

Head office.

13. The head office of the company shall be in the City of Hamilton, or elsewhere in the Province of Ontario as may be determined by the shareholders.

Annual and other meetings and notice thereof.

14. The books of the company shall be annually balanced *as* on the thirty-first day of December in each year, and within three months from the day aforesaid, a general meeting of the shareholders shall be called by the board of directors, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting, or of any special meeting of shareholders, shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*.

Election of directors.

15. At such general meeting, shareholders shall have one vote for each share upon which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall at such meeting elect not less than five, nor more than fifteen directors, in such manner as may be provided for by the by-law of the company, and which election of directors shall be by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote; but the company shall not be dissolved by failure to hold the said general meeting or to elect directors thereat; but it shall be lawful on any other day, to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made; corporations holding stock in the company may be represented by their executive officers, and the shareholders, at a general annual meeting, shall decide the remuneration to be paid to the directors, president, and vice-president.

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Special meetings.

16. Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock; and ten days' notice of all special meetings, stating the object for which they are called, shall be sent to each shareholder by mail, and lists of the shareholders shall at all times be accessible to any of them.

Penalty for paying dividend, if such

17. If the directors of the company declare and pay any dividend, when the company is insolvent, or any dividend, the

payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend, shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

15 18. The company shall be subject to all general laws which have been or may hereafter be enacted by the Legislature of Ontario, in reference to companies carrying on the business of fire insurance.

General laws
as to fire insur-
ance to apply.

BILL.

An Act to incorporate the Federal Fire Insurance Company, of Ontario.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. GIBSON, (*Hamilton.*)

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Law Society of Ontario to admit Francis Hew Eccles as a Barrister-at-Law.

WHEREAS Francis Hew Eccles has by his petition set forth that he was on the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty, duly articulated to an attorney-at-law to serve the stipulated period as clerk to such attorney, that he did thenceforth until the decease of his father, the late Henry Eccles, a Queen's Counsel, practising in Toronto, being a period exceeding three years, duly serve under the said articles in the practice and study of the said profession; that upon the death of the said Henry Eccles circumstances over which he had not control compelled him to discontinue the study of the profession, and that he has for some time past been again diligently engaged in the study of the law and is desirous of being called to the Bar of Ontario, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the Law Society of Ontario, upon payment of the usual fees, to call and admit the said Francis Hew Eccles to the degree of Barrister-at-Law on his passing the usual final examination prescribed by the rules of the said society without his complying with any other requirements or provisions of law or any other rules or regulations of the said society; any law, usage or custom to the contrary notwithstanding.

Law society
may admit F.
H. Eccles as a
barrister on
certain con-
ditions.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Law Society of
Ontario to admit Francis Hew Eccles as
a Barrister-at-Law.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. BELL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Weston and Duffin's Creek Railway.

WHEREAS Alexander Manning, Joseph Upper, P. D. Conger, Preamble.

David Tisdale, and William Scully, have petitioned for an Act to incorporate a company to construct a railway from some point at or near the Weston station of the Grand Trunk Railway of Canada, in the township of York, to some point in the township of Pickering, on the line of the Grand Trunk Railway of Canada, near the Duffin's Creek station of the said railway, with power to connect with the said railway and with other railways, and for other purposes; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alexander Manning, of the city of Toronto, contractor; Incorporation.
 15 Joseph Upper, of the city of Kingston, contractor; P. D. Conger, of the city of Toronto, merchant; David Tisdale, of the town of Simcoe, esquire, and William Scully, of the city of Toronto, commission merchant, together with such persons and corporations as shall, in pursuance of this Act, become
 20 shareholders of the company hereby incorporated, are hereby declared to be a body corporate and politic, by the name of Name.
 "The Weston and Duffin's Creek Railway Company."

2. The several clauses of the "Railway Act," of Ontario, Clauses of Railway Act to apply.
 and the several clauses thereof with respect to "interpretation,"
 25 "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "by-laws, notices, &c.," "working of the railway," "actions for indemnity
 30 and fines and penalties and their prosecution," and "general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and the expression, "this Act," when used, shall be
 35 understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

3. The said company shall have full power and authority Location of line.
 under this Act to construct a railway from a point at or near
 the village of Weston, in the township of York, in the county
 40 of York, with power to connect at such point with the Grand Trunk Railway of Canada, from thence crossing the Toronto, Grey and Bruce Railway at a point near Weston, with power

to connect at such point with said Toronto, Grey and Bruce Railway; from thence, crossing the Northern Railway of Canada, at or near the Weston Station thereof, with power to connect at such point with the said Northern Railway; from thence, crossing Yonge street at a point near the village of Eglinton, and from thence, in an easterly direction to a point near the Scarborough station, on the Toronto and Nipissing Railway, with power to connect at such point with said Toronto and Nipissing Railway; from thence, to a point on the line of the Grand Trunk Railway, near Duffin's Creek Station, with power to connect at such point with said Grand Trunk Railway.

Branch line
authorized.

4. The company shall have power under this Act, to construct a line of railway from a point at or near the Don station of the Grand Trunk Railway, with the right to connect with said Grand Trunk Railway at said point; thence, to extend the said line in a northerly direction to a point on the line authorized by the preceding section of this Act, north-easterly from Yorkville, and there to connect with the said line.

Gauge.

5. The said company may construct their said lines upon such gauges that the rolling stock of all or any of the above-mentioned roads shall be able to pass over the same.

Provisional
directors and
their powers.

6. From and after the passing of this Act, the said Alexander Manning, Joseph Upper, P. D. Conger, David Tisdale, and William Scully, until others be chosen as hereinafter provided at the first general meeting, shall be and are hereby constituted the board of provisional directors of the said company (of which the said Alexander Manning shall be chairman), with power to fill vacancies occurring thereon; to associate with themselves thereon, not more than three others, who upon being so named, shall also become and be provisional directors; equally with themselves; and they shall have power and authority, immediately after the passing of this Act, to open stock books, and receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing, who in their judgment would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers, as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into a contract or contracts for building said railway, and may make a call or calls upon the shares subscribed therein, and may exercise all such other powers as under the said Railway Act or other law in force in Ontario, are vested in such boards.

Capital.

8. The capital of the company shall be three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each, and all moneys paid to the company in respect of such shares, shall be applied in the first place to the payment of all costs, charges, and expenses of and incidental to the obtaining of this Act, and of all expenses making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway, and to the other purposes of the company.

9. As soon as shares to the amount of fifty thousand dollars have been subscribed, and ten per centum thereof paid into some chartered bank to the credit of the company, the directors shall call a general meeting of the subscribers to said capital stock, who shall have paid up ten per centum of the shares by them subscribed, for the purpose of electing directors of the company.

First election of directors.

10. No subscription for stock in the capital of the company shall be valid, unless ten per centum thereof shall have been actually paid thereon within twenty days after the subscription, into some one of the chartered banks of this Province, to be designated by the provisional directors, to the credit of the company.

Ten per cent. to be paid on stock.

11. In case the provisional directors neglect to call a meeting for the space of three months after fifty thousand dollars of the capital stock has been subscribed, and ten per centum thereof so paid up, the same may be called by any three of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five thousand dollars of the said capital stock, and who have paid up all calls thereon.

How general meeting may be called, if provisional directors neglect to call it.

12. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in at least one of the daily newspapers in the city of Toronto once in each week for the space of two weeks, and such meeting shall be held in the city of Toronto, at such place therein, and on such day as may be named by such notice.

Notice of time and place of meeting.

13. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereof, with such proxies as may be present, shall choose five persons to be directors of the company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with the Act.

Election of directors.

14. No person shall be qualified to be a director unless he be a shareholder holding at least one hundred shares of stock in the company, upon which all calls have been paid up.

Qualification of directors.

15. Thereafter the annual general meeting of the shareholders of the company shall be held at such place in the city of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice shall be given at least two weeks previously in the *Ontario Gazette*, and once each week in at least one of the daily newspapers published in the city of Toronto.

Annual meeting.

16. Special general meetings of the shareholders of the said company, may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and after two week's notice shall have been given, as in the last preceding section mentioned.

Special general meetings.

17. The directors of the company, after the sanction of the shareholders, shall have been first obtained at any special

Issue of bonds.

general meeting to be called from time to time, for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including rolling stock and equipments, either then existing or at any time thereafter acquired; and each holder of any of such bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand dollars, nor shall the amount of such bonds issued at any one time, be in excess of the amount of the actual cash which shall have been paid to the company on account of capital, and which has been actually expended in preliminary expenses, surveys, purchase of right of way or works of construction and equipment of the line: Provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares.

Proviso.

Proviso.

Bonds to be transferable by delivery.

18. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, and shall be transferable by delivery; and any holder of any such bond, debenture, or other security, so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

19. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or indorsed, or any such bill of exchange, drawn, accepted or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer thereof, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with the proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer be individually responsible in respect of the same, unless the said promissory notes have been made or indorsed, or the said bills of exchange, drawn, accepted or indorsed without the sanction and authority of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

20. Every holder of one or more shares of the said capital stock, (and bondholders as provided in section sixteen of this Act in the same ratio as shareholders), shall at any general meeting of the shareholders be entitled to one vote for every 5 share held by him. Votes.

21. At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such persons shall at such meeting be entitled equally 10 with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such 15 meeting. Corporations,
how represented.

22. Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers by this Act vested in the said directors. Quorum of
directors.

23. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; Provided that no calls shall be made at any one time of more 20 than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than one month. Calls.
Proviso.

24. The company shall have power to make running arrangements with all or any of the above mentioned lines, or for crossing or connecting with the same, or for the conveyance or transit of traffic for or with the said companies, or any of them, or touching any service to be rendered by the one company to 25 the other, and the compensation therefor, upon terms to be approved of by the board of directors. Arrangements
with other
lines.

25. It shall be lawful for the said company to enter into agreements with all or any of the above mentioned railway companies for leasing the said Weston and Duffin's Creek railway, or any part thereof, or the use thereof at any time or 30 times; or for leasing or hiring from such companies, or any of them, and of the said railways or part thereof, or use thereof; or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both or any part thereof; if the arrangements and agreements shall be approved 35 of by a majority of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be held valid and binding, and shall be enforced by courts of 40 law and equity, according to the terms and tenor thereof. Power to lease,
etc.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for the extension of stations, or for additional stations, or for gravel or sand-pits, or stone quarries, or other purposes, for the use of the said railway, the said 45 company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purposes connected with the construction, maintenance or use of the said railway as Procuring
additional
lands.

they may deem expedient, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

Procuring
stone and
gravel, etc.

27. Where stone, sand, gravel, or any other material, is or are required for the construction or maintenance of said railway, or any part thereof, or further land is required for the extension of stations, or for additional stations, the company may, in case they cannot agree with the owner of the lands on which the same are situated, or which are required for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as to the service of the said notices, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials and land as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple to the land which shall be taken, or for the right to the fee simple of the part taken for the purposes of stations, and the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Right of way
to gravel pits.

28. When said gravel, sand, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway, and the extension and additions to the stations thereof.

Power to erect
warehouses,
etc.

29. The company shall have full power to purchase land for, and erect warehouses, elevators, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Time of construction.

30. The construction of the said railway shall be commenced within three years, and the same shall be completed within seven years after the passing of this Act.

Form of conveyances.

31. Conveyances of land to the said company for the purposes of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect; and such conveyances shall be received by the several registrars, and be

registered by duplicate thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

SCHEDULE.

Know all men by these presents, that I (or we) [*insert also the name of the wife or other person who may be a party*] in consideration of dollars paid to me (or us) (*as the case may be*) by the Weston and Duffin's Creek Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [and I the said do grant and release, or do bar my dower in, *as the case may be*] all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "The Weston and Duffin's Creek Railway Company," their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

[L.S.]

No. 39.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the Weston and Duffin's Creek Railway.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. BADGEROW.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Weston and Duffin's Creek Railway.

WHEREAS Alexander Manning, Joseph Upper, P. D. Conger, Preamble.
David Tisdale, and William Scully, have petitioned for

an Act to incorporate a company to construct a railway from
some point at or near the Weston station of the Grand Trunk
15 Railway of Canada, in the township of York, to some point in
the township of Pickering, on the line of the Grand Trunk
Railway of Canada, near the Duffin's Creek station of the said
railway, with power to connect with the said railway and with
other railways, and for other purposes; and whereas, it is ex-
10 pedit to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Alexander Manning, of the city of Toronto, contractor; Incorporation
15 Joseph Upper, of the city of Kingston, contractor; P. D. Con-
ger, of the city of Toronto, merchant; David Tisdale, of the
town of Simcoe, esquire, and William Scully, of the city of
Toronto, commission merchant, together with such persons
and corporations as shall, in pursuance of this Act, become
20 shareholders of the company hereby incorporated, are hereby
declared to be a body corporate and politic, by the name of Name.
“The Weston and Duffin's Creek Railway Company.”

2. The said company shall have full power and authority Location of
under this Act to construct a railway from a point at or near line.
25 the village of Weston, in the township of York, in the county
of York, with power to connect at such point with the Grand
Trunk Railway of Canada, from thence crossing the Toronto,
Grey and Bruce Railway at a point near Weston, with power
to connect at such point with said Toronto, Grey and Bruce
30 Railway; from thence, crossing the Northern Railway of
Canada, at or near the Weston Station thereof, with power to
connect at such point with the said Northern Railway; from
thence, crossing Yonge street at a point *north* of the village of
Eglinton, and from thence, in an easterly direction to a point
35 *north* of the Scarborough station, on the Toronto and Nipissing
Railway, with power to connect at such point with said To-
ronto and Nipissing Railway; from thence, to a point on the
line of the Grand Trunk Railway, near Duffin's Creek Station,
with power to connect at such point with said Grand Trunk
40 ~~Railway~~ Railway, with the right to connect with any other lines of
railway running into the city of Toronto from the north and
east which may be hereafter constructed and which may cross
this railway: Provided that if the said line of railway cross

Yonge street at a point south of York Mills, the said company shall at all times when trains shall be running over their line, erect, maintain and keep suitable gates and watchmen at the point where the said railway shall cross Yonge street. 

Gauge.

3. The said company may construct their said lines upon 5 such gauges that the rolling stock of all or any of the above-mentioned roads shall be able to pass over the same.

Provisional directors and their powers.

4. From and after the passing of this Act, the said Alexander Manning, Joseph Upper, P. D. Conger, David Tisdale, and William Scully, until others be chosen as hereinafter provided 10 at the first general meeting, shall be and are hereby constituted the board of provisional directors of the said company (of which the said Alexander Manning shall be chairman), with power to fill vacancies occurring thereon; to associate with 15 themselves thereon, not more than three others, who upon being so named, shall also become and be provisional directors, equally with themselves; and they shall have power and authority, immediately after the passing of this Act, to open stock books, and receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing, who 20 in their judgment would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers, as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into a contract or contracts for building the 25 said railway, and may make a call or calls upon the shares subscribed therein, and may exercise all such other powers as under the said Railway Act or *any* other law in force in Ontario, are vested in such boards.

Capital.

5. The capital of the company shall be three hundred thou- 30 sand dollars, to be divided into three thousand shares of one hundred dollars each,  with power to increase the same in the manner provided in the Railway Act of Ontario,  and all moneys paid to the company in respect of such shares, shall be applied in the first place to the payment of all costs, charges, 35 and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway, and to the 40 other purposes of the company.

First election of directors.

6. As soon as shares to the amount of fifty thousand dol- 45 lars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank *having an office in the Province of Ontario* to the credit 45 of the company,  and which shall on no account be withdrawn therefrom unless for the services of the company,  the directors shall call a general meeting of the subscribers to said capital stock, who shall have paid up ten per centum of the shares by them subscribed, for the purpose of electing 50 directors of the company.

Ten per cent. to be paid on stock.

7. No subscription for stock in the capital of the company shall be valid, unless ten per centum thereof shall have been

actually paid thereon within twenty days after the subscription, into some one of the chartered banks of this Province, to be designated by the provisional directors, to the credit of the company.

- 5 **8.** In case the provisional directors neglect to call a meeting for the space of three months after fifty thousand dollars of the capital stock has been subscribed, and ten per centum thereof so paid up, the same may be called by any three of the subscribers who shall have so paid up ten per centum, and who
10 are subscribers among them for not less than five thousand dollars of the said capital stock, and who have paid up all calls thereon.

How general meeting may be called, if provisional directors neglect to call it.

- 9.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in at least one of the daily newspapers in the city of Toronto once in each week for the space of two weeks, and such meeting shall be held in the city of Toronto, at such place therein, and on such day as may be named by such notice.

Notice of time and place of meeting.

- 10.** At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereof, with such proxies as may be present, shall choose five persons to be directors of the company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with *this Act*.

Election of directors.

- 11.** No person shall be qualified to be a director unless he be a shareholder holding at least *fifty* shares of stock in the company, upon which all calls have been paid up.

Qualification of directors.

- 12.** Thereafter the annual general meeting of the shareholders of the company shall be held at such place in the city of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice shall be given at least two weeks previously in the *Ontario Gazette*, and once each week in at least one of the daily newspapers published in the city of Toronto.

Annual meeting.

- 13.** Special general meetings of the shareholders of the said company, may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and after two week's notice shall have been given, as in the last preceding section mentioned.

Special general meetings.

- 14.** The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power and authority:—

Issue of bonds.

- (1) To make and issue first mortgage bonds and also second or income mortgage bonds, such issue not to exceed in the whole the sum of six hundred thousand dollars, for the general purposes of the company as the same may from time to time be required in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate

of interest, and each bond for such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway and of the undertaking, and such of the real property 5 including the rolling stock and equipments of the company whether then existing or to be thereafter acquired as may be mentioned in such mortgage ; and such mortgage bonds and all coupons and interest warrants thereon shall be payable to the bearer, and be transferable by delivery. 10

(2) Every such mortgage to secure payment of first mortgage bonds shall be a lien and charge upon such portion of the line of railway and of the undertaking and such of the real property, including the rolling stock and other equipments of the company, whether then existing or to be thereafter acquired, 15 as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage or income bonds shall be a lien and charge upon such portion of the line of railway, and of the undertaking, and such of the real property, including the 20 rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds ; and no more than one mortgage shall be made over the same portion of the line or 25 over the undertaking and real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, to secure the first mortgage bonds

Power to mortgage bonds.

15. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds 30 which under the provisions of this Act can be issued for the construction of the said railway. 

Negotiable instruments.

16. The *said* company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory 35 note made or indorsed, or any such bill of exchange, drawn, accepted or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer thereof, and under the authority of a quorum of the directors, shall be binding on the company ; and every such prom- 40 issory note or bill of exchange so made, shall be presumed to have been made with the proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the sec- 45 retary or treasurer be individually responsible in respect of the same, unless the said promissory notes have been made or indorsed, or the said bills of exchange, drawn, accepted or indorsed without the sanction and authority of the board of directors, as herein provided and enacted : Provided, however, 50 that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Votes.

17. Every holder of one or more shares of the said capital 55 stock, (and bondholders as provided in section *fourteen* of this

Act in the same ratio as shareholders), shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

18. At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Corporations,
how represented.

19. Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers by this Act vested in the said directors.

Quorum of
directors.

20. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than one month.

Calls.

21. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Contracts for
construction.

22. The company shall have power to make running arrangements with all or any of the above mentioned lines, or for crossing or connecting with the same, or for the conveyance or transit of traffic for or with the said companies, or any of them, *if lawfully authorized in that behalf*, or touching any service to be rendered by the one company to the other, and the compensation therefor, upon terms to be approved of by the board of directors.

Traffic arrangements.

23. The company is hereby authorized and empowered, if at any general meeting of the shareholders of the company called for that purpose, published and notified as prescribed by the provisions of this Act relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, to enter into agreements with any other railway company or companies which is or are lawfully empowered to enter into such agreements for building or leasing or equipment and maintenance of the said railway or any part thereof, or the use thereof at any time or times, or for any period to or by such other company or companies, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders,

Agreements
with other
companies.

rolling stock or moveable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies of the railways or moveable property of either, or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such other railway company as well as any other corporation may agree upon any terms, they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the stock of the railway company hereby created in like manner and with the like rights as individuals, but in so far only as the powers hereby conferred, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting or executing such lease shall be and is empowered to exercise all the rights and privileges by this Act conferred.

Power to acquire more land than required for railway.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the required part only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient; but the compulsory clauses of the Railway Act shall not apply to this section. 

Procuring stone and gravel, etc.

25. Where stone, sand, gravel, or any other material, is or are required for the construction or maintenance of said railway, or any part thereof, or further land is required for the extension of stations, or for additional stations, the company may, in case they cannot agree with the owner of the lands on which the same are situated, or which are required for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act of *Ontario*, as to the service of the said notices, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials and land as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple to the land which shall be taken, or for the right to the fee simple of the part taken for the purposes of stations, and the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Right of way to gravel pits.

26. When said gravel, sand, stone, or other material, shall

be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material
 5 shall be found, whatever the distance may be; and all the provisions of the Railway Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right
 10 may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway, and the extension and additions to the stations thereof.

(2) When estimating the damage for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario, shall not apply.

27. The company shall have full power to purchase land for, and erect warehouses, elevators, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose. Power to erect warehouses, etc.

28. The company shall have the right, on and after the first day of November in each year, to enter into and upon any
 25 lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect
 30 of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April following. Snow fences. Proviso.

29. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this
 35 Act, on their line of railway, the powers conferred upon telegraph companies, by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. Telegraph lines.

30. The construction of the said railway shall be commenced within two years, and the same shall be completed within five years after the passing of this Act. Time of construction.

31. Conveyances of land to the said company for the purposes of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect; and such conveyances shall be received by the several registrars, and be registered by duplicate thereof, in such manner and upon such proof of execution as is required under the registry laws of
 50 Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. Form of conveyances.

SCHEDULE.

Know all men by these presents, that I (or we) [*insert also the name of the wife or other person who may be a party*] in consideration of dollars paid to me (or us) (*as the case may be*) by the Weston and Duffin's Creek Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [and I the said do grant and release, or do bar my dower in, *as the case may be*] all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "The Weston and Duffin's Creek Railway Company," their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and
Signed, sealed and delivered } [L.S.]
in the presence of

BILL

An Act to incorporate the Weston and Duffin's Creek Railway.

(*Reprinted as amended.*)

First Reading, 31st January, 1881.

(*PRIVATE BILL.*)

Mr. BADGEROW.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Village of London East to construct and maintain Water-Works, and to incorporate said Village as a Town.

WHEREAS, the population of the village of London East, Preamble.
 in the county of Middlesex, is rapidly increasing, and the council of the said village have by their petition represented that the construction of water-works and a supply of
 5 water for the said village would promote the comfort of its inhabitants, and afford means for the protection of property from fire, that it is desirable to increase the limits of the said village, and that the incorporation of the said village as a town would promote its future progress and prosperity, and
 10 have prayed that power may be given to said village to construct and maintain water-works, and to incorporate said village as a town; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
 15 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The population of the village of London East, by and Construction of water works authorized.
 through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and
 20 shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the village of London East, and parts adjacent, as hereinafter provided.

2. The commissioners and their successors shall be a body Water commissioners.
 corporate, under the name of the "Water Commissioners for the village of London East," and shall be composed of three members, of whom the reeve of the village of London East for the time being, shall be *ex officio*, one, and the said commissioners
 30 shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every, the other powers conferred upon them by this Act.

3. It shall be the duty of the said commissioners to examine, Duty of commissioners.
 consider and decide upon all matters relative to supplying the
 35 said village of London East, with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

4. The commissioners shall have power to employ engineers, Powers of commissioners.
 surveyors and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may
 40 be necessary to enable them to fulfil their duties under this Act.

Power to enter
on lands,

Divert and
appropriate
streams, etc.

Arbitration.

Proviso.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate in the village of London East, or within ten miles of the said village, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, pond of water, spring or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required, for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of the said lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely; the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of Middlesex shall, on application of either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator in his behalf, or in case such land or water privileges be mortgaged, or pledged to any person or persons, the judge of the county court of the county of Middlesex, on application being made to him for that purpose, by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said county of Middlesex, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace, before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same, a certificate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so

awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the village of London East and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers or ponds or water from which the same are procured and the said village of London East, by one or more lines of pipes as may, from time to time, be found necessary; and, for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highway, railways and roads within ten miles of the village of London East, and in, through, over and under the public ways, streets, lanes, railways or other passages within the said village of London East, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the village of London East, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same may pass, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration, as aforesaid; and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the village of London East.

Land, privileges and works vested in corporation of London East.

7. If any of the owners or occupiers of, or persons interested in any land, right or privilege entered upon or taken under the

Payment of compensation into court.

provisions of this Act, is an infant, insane, or absent from this Province, or if any person interested in the moneys awarded as compensation therefor, refuses or is unable to execute the proper conveyance, or if for any other reason the commissioners deem it advisable so to do, the commissioners may pay the amount of such compensation, with interest for six months, into the Court of Chancery, for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights and privileges in respect of which such compensation is awarded, shall be vested in the corporation of the said village of London East, its successors and assigns, and the award shall be deemed the title of the corporation, and may be registered in the proper registry office.

Publication of notice to persons entitled to money in court.

8. A notice, in such form and for such time as the said court appoints, shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the corporation, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, rights or privileges, or any part thereof, including dower as well as all mortgages and incumbrances upon the same, and the court shall make such order for the distribution, payment on investment of the compensation, and for securing the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law appertain.

Costs.

9. The costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

Interest on money paid into court.

10. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the commissioners or the corporation (as the case may be), and, if from any error, fault or neglect of the commissioners, or the corporation (as the case may be), such order is not obtained until after the six months have expired, the court shall order the commissioners or the corporation (as the case may be), to pay to the proper claimants the interest for such further period as may be right.

Obtaining possession of land before compensation made.

11. If the commissioners show by affidavit to the satisfaction of the judge of the county court of the county wherein the lands lie, that the immediate possession of the lands, or of the rights or privileges which are sought to be acquired under the provisions of this Act is necessary for proceeding with the operations of the commissioners, and that the commissioners are ready to proceed with such operations forthwith, the said judge may, upon the commissioners giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded, within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the commissioners, issue his warrant to the sheriff of the county in which

the lands lie, or to a bailiff, as he may deem most suitable, to put the commissioners in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

12. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the said commissioners, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done; every person offending in any of the cases aforesaid shall on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county of Middlesex for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her, or them.

Prohibitions
and penalties.

13. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Property
exempt from
execution.

14. The said commissioners shall be and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the village of London East, or of any person or persons appointed for that purpose by the council of the corporation of the village of London East, and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the village of London East of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Books to be
kept by com-
missioners.

Inspection of
books.

15. The commissioners and their successors shall from time to time in each year deliver to the council of said corporation

Statements to
be furnished to
corporation.

such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the inhabitants of the village of London East a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the village of London East, and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course. 5

Power to regulate use of water and rates therefor.

Proviso.

16. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion: Provided always that all hydrants, conduits, or other appliances which the corporation of the village of London East may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the village of London East shall direct, and shall be under their exclusive control and direction when erected; and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings. 10 15 20

Rates to be a lien on property.

17. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. 25 30

Use of water supply not compulsory.

18. Notwithstanding anything in this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council, unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers. 35

Use of water supply no disqualification for council.

19. No person shall be held to be disqualified from being elected, or sitting as a member of the council of the municipal corporation of the village of London East, by reason of his being a taker or consumer of water supplied by the commissioners or the corporation, or by reason of any dealing or contract with the commissioners or the corporation, with reference to the supply of water to such person. 40

Moneys collected to be paid to corporation.

20. All water rents and water rates when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the Village of London East. 45

Power to make by-laws for management of works and collection of rates.

21. The commissioners shall have power from time to time, to make and enforce all necessary by-laws, rules and regulations, for the general maintenance or the management and conduct of the said water-works, officers, and others employed by them, not inconsistent with this act; and for the collection of the said water-rent and water-rate, and for fixing the time and 50

times (which shall be quarterly) when and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the village of London East, or County of Middlesex, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of village taxes; and the costs chargeable shall be those payable to bailiffs under the division court act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

22. The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Village of London East" against any person or persons for money due for the use of the water, for the breach of any contract, express or implied touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Actions by and against commissioners.

23. The commissioners, by by-law, shall have power, with the consent of the corporation of the village of London East, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the village of London East may by law possess and enjoy.

Power to employ collectors, assessors, etc.

24. The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province.

Protection in exercise of office.

25. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, such

Drawing off water without consent of commissioners prohibited.

pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Bathing, etc.,
within one
mile of source
of water sup-
ply prohibited.

26. If any person shall bathe or wash, or cleanse any cloth, 5
wool, leather, skin, or animals, or place any nuisance or
offensive thing within the distance of one mile from the source
of supply for such water-works, in any river, pond, creek,
spring, source or fountain from which the water of the said
water-works is obtained, or shall convey, or cast, or throw or 10
put any filth, dirt, dead carcasses, or other noisome or offensive
things therein, or within the distance as above set out, or
cause, permit, or suffer the water of any sink, sewer or drain to
run or be conveyed into the same, or cause any other thing to be
done whereby the water therein may be in anywise tainted or 15
fouled, every such person shall, on conviction thereof before any
justice of the peace, be by such justice adjudged and con-
demned to pay a penalty for every such offence, not exceeding
twenty dollars, together with costs, one half to be applied to
water-works purposes, and the other half to him or her who 20
shall lay the information ; and in case the party laying such
information be the commissioners themselves or any of their
officers or servants, then the whole of said penalty shall be ap-
plied to the uses of the commissioners for water-works pur-
poses, and such justice shall also in his discretion further con- 25
demn such person to be confined in the common gaol for a
space of time not exceeding one calendar month, with or with-
out hard labour, as to such justice may seem meet.

Power to make
by-laws pro-
hibiting
wrongful use
of water, and
regulating
supply.

27. It shall and may be lawful for the commissioners, and
they are hereby authorized and empowered to make such by- 30
laws as to them shall seem requisite and necessary for prohib-
iting by fine, not exceeding twenty dollars, for water-works pur-
poses, or imprisonment, not exceeding one calendar month, (the
amount of such fine, and duration of such imprisonment, and
also the option between fine and imprisonment, with or with- 35
out hard labour, being always in the discretion of the justice
of the peace before whom any proceeding may be taken for en-
forcement thereof,) any person being occupant, tenant or inmate,
of any house supplied with water from the said water-works,
from lending, selling or disposing of the water thereof, from 40
giving it away or permitting it to be taken or carried away,
or from using or applying it to the use or benefit of others,
or to any other than to his, her or their own use and benefit,
or from increasing the supply of water agreed for with the said
commissioners, or from wrongfully neglecting or improperly 45
wasting the water ; as also for regulating the time, manner,
extent and nature of the supply by the said works, the tene-
ment of parties to which and to whom the same shall be fur-
nished, the price or prices to be exacted therefor, and each
and every matter or thing relating thereto or connected there- 50
with, which it may be necessary or proper to direct, regulate
or determine, for issuing to the inhabitants of the said village
a continued and abundant supply of pure and wholesome
water, and to prevent the practising of frauds upon the com-
missioners with regard to the water so supplied. 55

28. In all cases where a vacant space intervenes between the line of street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water-rates, and to be collected in the same manner from the said owners.

Cost of laying service pipes across vacant spaces, how defrayed.

29. The service pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stop-cock placed by the commissioners inside of the wall of the building, shall not be used by the water tenant, except in cases of accident, or for the protection of the building or pipes, and to prevent flooding of premises.

Service pipes, etc., under control of the commissioners.

30. All parties supplied with water by the commissioners may be required to place only such taps for the drawing or shutting off the water as may be approved of by the commissioners.

Taps.

31. Neither the water commissioners nor the corporation of the village of London East, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes: Provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Non-liability for breakage or stoppage.

32. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Inspection of premises supplied with water from the works.

23. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the village of London East, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night, or part of a night, said obstruction shall continue, shall be considered a separate offence.

Interference with hydrants, etc., prohibited.

34. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum of commissioners.

Cost of extending supply to suburbs, etc.

35. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs, or partially built portions of the village, by allowing a deduction from the price charged for the water, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Authority to supply water out of town.

36. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the village of London East, and may exercise all other powers necessary to the carrying out of their agreements with such corporation, or persons, as well within the townships of London and Westminster, and the city of London, as within the village of London East; and they may also from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided, that no power shall be exercised under this clause, without the consent and approbation of the council of the corporation of the village of London East.

Property exempt from taxation.

37. The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.

Limitation of actions.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Powers of officers.

39. The watchmen and other officers of the water commissioners when in the discharge of their duty, shall be *ex officio*, possessed of all the powers and authorities of officers of the peace.

Issue of debentures authorized.

40. For the purpose of acquiring the necessary lands, rights and privileges, and constructing the said water-works, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the extension and repairs of the said water-works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of London East shall have power to pass a by-law authorizing the issue of, and to issue, debentures of the said corporation of the village of London East, to be called water-works debentures, for a sum of money not exceeding dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall become payable in manner and at the times following, that is to say, within a

period of thirty years from the date of the respective issues thereof, and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half-yearly, and shall have coupons attached for the payment of the said
 5 half-yearly interest; and such debentures shall be signed by the reeve and treasurer of said village for the time being, and may be made payable either in sterling or currency in this province, Great Britain or elsewhere as to the council of the corporation of the village of London East shall seem expedient; and the
 10 corporation of the village of London East and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works or at the expiration of three years from the date of
 15 the first issue of such debentures, such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay
 20 the said principal and interest on such debentures; and it shall not be necessary to submit any by-law for the issue of the said debentures to the approval of the ratepayers or electors of the village of London East; but the said debentures to be issued hereunder shall be valid and effectual, and binding to all in-
 25 tents and purposes on the corporation of the village of London East, notwithstanding any of the provisions of the Municipal Institutions Act in that behalf have not been complied with.

41. It shall not be necessary that any by-law passed under the authority of the next preceding section of this Act shall
 30 provide that any special or other rate per annum shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall be the duty of the corporation of the village of
 London East and the council thereof, in each and every year
 35 after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures, whichever shall first happen, to impose, levy and collect a rate sufficient to pay the interest upon, and to provide a sinking fund of two per cent. per annum for the payment of
 40 the said debentures, and the by-law for the issue of debentures under the authority of the fortieth section of this Act may be in the form contained in the schedule "B" to this Act.

Debenture by law need not specify rate.

Corporation to impose necessary rate.

42. Such debentures when issued shall be deposited in some of the chartered banks having an office in the city of
 45 London, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said village, and the same shall only be paid out on the cheque of the reeve and treasurer for the time being of the village of London East, and the chairman for the time
 50 being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection
 55 and completion of the said water-works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the con-

Application of proceeds of debentures.

Proviso.

tractor or contractors or others, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the council of the corporation of the village of London East thereto, nor from selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the village of London East. 5

Water works property charged with sums raised for purposes of this Act.

43. The said water-works to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall 10 be and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the 15 debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water-works, and property appertaining thereto for securing the payment of the said debentures and the interest thereon. 20

Application of revenue.

44. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water-works, to be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of 25 the said water-works, be paid over to, and deposited monthly with the treasurer of the said corporation of the village of London East, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly. 30

Power to sell or lease property.

45. The corporation of the Village of London East may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold, demise and lease the same.

When Act to take effect.

46. This Act shall not have any force or effect until the 35 council of the corporation of the village of London East shall pass a by-law authorizing the construction of the said water-works, but no by-law shall be passed, (firstly), until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the 40 electors on the proposed by-law has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof), has been published for one month in some newspaper in the city of London; nor, (secondly), until a poll has been held in the same 45 manner and at the same places and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor, (thirdly), unless the by-law is hereafter passed at some meeting of the council of the corporation of the village of 50 London East, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council.

47. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year.

48. The by-law shall recite (1) the title of this Act; (2) If by-law rejected, not to be submitted during again year.
5 the amount of the estimated expenditure for water-works; (3) the amount of debt which it is intended to create by the construction of the said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act. Provisions as to by-law.

(2) The council of the village of London East shall name the 10 returning officers and poll-clerks to take the votes.

(3) The electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll of the village of London East, for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any 15 municipal election, or of a leasehold, the duration of which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all village taxes, and the clerk shall furnish the returning officers with a verified list of the electors.

(4) Any ratepayer offering to vote on any such by-law, may 20 be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

"I, A. B., do solemnly and sincerely make oath (or affirm, 25 as the case may be), that I am the person named or purporting to be named in the list of electors; that I am a freeholder, or leaseholder, (as the case may be); that my lease extends for the period of ten years from the time of making this oath or affirmation (or for life); that I am bound in such lease to pay all 30 village taxes, and that I am according to law entitled to vote on the said by-law."

(5). Every returning officer shall, on the day after the closing of the poll, return his poll-book verified to the clerk of the village of London East, and in case of the loss or destruction of 35 the poll-book, deliver a statement under oath of the number of votes for and against said by-law at the time of the loss or destruction of the poll-book.

(6). The village clerk shall add up the number of the votes for and against the same, and certify to the council whether 40 the majority have affirmed or disapproved of the by-law.

49. No irregularity in the passing of the said by-law or in the form of the said debentures authorized by this Act in the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corpo- 45 ration for the recovery of the amount of said debentures and interest in any or either of them or any part thereof. Irregularities not to render debentures invalid.

50. There shall be three commissioners, of whom the reeve of the village of London East, for the time being shall be *ex-officio* one, and two of whom shall be elected by the ratepayers of the said village, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the village of London East may by by-law, before their election, determine. Commissioners, how appointed.

Term of office. 51. The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the first Monday of January next following their election; and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as for the election of the reeve of said village, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to reeves shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise. 5 10

First election of commissioners. 52. Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said village shall take place, for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar to those in the case of the nomination for reeve; but in case it became necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in the said village at the places, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in like manner as an election for reeve. 15 20 25

Vacancies in office. 53. A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of London East shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled. 30 35

Works to be finished in three years. 54. The said works shall be constructed, completed and finished within three years from the passing of said by-law authorizing the construction of said water-works.

Work to be performed by contract. 55. All work under the commissioners shall be performed by contract. 40

No commissioner or councilman to hold contract in connection with works. 56. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no deputy-reeve or councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman. 45

Qualification of commissioners. 57. The water commissioners shall have the same property qualification as, by municipal law, councilmen are required to have over and above all incumbrances; and shall before taking office, and within ten days of their election or appointment, make oath to such qualification before some justice of the peace of the county of Middlesex, and deposit the same with the village clerk of the corporation of the village of London East. 50

58. Notwithstanding the provisions of this act authorizing the construction of the said water-works through the agency of commissioners, the corporation of the village of London East in the by-law authorizing the construction of said water-works, and referred to in the forty-sixth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said corporation of the village of London East; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this act, given to, granted or vested in or imposed on the said commissioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this act.

Works may be constructed directly by corporation.

59. In case the corporation of the village of London East shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may in the by-law referred to in the forty-sixth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient.

Works may be constructed by a company or otherwise.

60. In case the corporation of the village of London East shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting on any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of the qualified voters in the proposed by-law mentioned in the forty-sixth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Approval by electors of mode of construction necessary.

61. The corporation of the village of London East shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works, and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the village of London East.

Delegation of powers by corporation.

62. It shall and may be lawful for the said commissioners, or the corporation of the village of London East, and they are hereby authorized, instead of constructing water-works to make and enter into an agreement with the corporation of the city of London, or with the water commissioners for the city of London, or any corporate water company, for a supply of water for the said village or its inhabitants, on such terms and for such time as may be mutually agreed upon, and such agreement shall be binding upon both parties to the same, but only after a by-law approving of the same shall have been passed in accordance with the provisions of the forty-sixth section of this Act.

Agreement with corporation of city of London for water supply authorized.

Corporation
may declare
powers of com-
missioners at
an end.

63. The said municipal council may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners shall on and from a day to be named therein cease, be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall, from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said water-works shall be managed and controlled by the said municipal council; and the said municipal council shall be invested with all the powers, rights and privileges which are by this Act conferred upon, vested in, or enjoyed by the said commissioners, and be charged with all the duties which are thereby imposed upon them: Provided always, that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the village of London East as were entitled to vote on the by-law to authorize the construction of the said water-works, shall have first been obtained thereto, in the manner prescribed in the municipal act, with respect to by-laws (other than drainage by-laws) requiring the assent of the electors.

Incorporation
of town of
London East.

64. On and after the twenty-sixth day of December next after the passing of this Act, the said village of London East shall be and is hereby constituted a corporation or body politic under the name of "The Corporation of the Town of London East," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws for the said province.

Limits of town.

65. The said town of London East shall comprise and consist of the present village of London East and the north half of lot number twelve, the north half of lot number eleven and the west half of lot number ten, in the first concession of the township of London, in the county of Middlesex.

Wards.

66. The said town shall be divided into three wards, in manner described in schedule "B" to this Act, to be called respectively the first, second and third wards, which said several wards shall be respectively composed and bounded as in said schedule described.

First election
of mayor, etc.

67. On the twenty-sixth day of December next after the passing of this Act, it shall be lawful for and the duty of Arscott Isaacs, or the clerk of the said village of London East for the time being, who is hereby appointed the returning officer to hold the nomination for the first election of mayor, reeve, deputy-reeves and councillors, at the town hall in the said town of London East, or such place as the council of said village held its last meeting, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

68. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided, and such returning officer, and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks, with respect to municipal elections in towns.

Duties of returning and deputy-returning officers.

69. The clerk of the said township of London, or any other proper officer thereof, shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the names of the parties entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Township clerk to furnish copies of assessment rolls.

70. The council of the said town to be elected in manner aforesaid shall consist of a mayor, who shall be the head thereof, a reeve, deputy-reeves and six councillors, two councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Constitution of council.

71. The several persons who shall be elected or appointed under this Act, shall take declarations of office and qualifications, now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Declaration of office and qualification.

72. At the first election of mayor, reeve, deputy-reeve and councillors for the town of London East, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Qualification of electors and officers.

73. All by-laws and municipal regulations which are in force in the village of London East, on the twenty-sixth day of December next, shall continue and be in force as if they had been passed by the corporation of the town of London East, and shall extend to, and have full effect within the limits of the town hereby incorporated.

By-laws and regulations of village continued.

Assets and liabilities of village transferred to town.

74. The property, assets, debts, liabilities and obligations of the village of London East shall belong to, and be assumed and paid by the corporation of the town of London East.

Officers of village continued.

75. All officers of the said village of London East shall continue to act and have power as such, until the council of the town of London East shall have organized as, and in the manner provided by section seventy of this Act. 5

Expense of Act.

76. The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, and not theretofore paid by the said village, shall be borne by the said town and paid by it to any party that may be entitled thereto. 10

Powers given to corporation of village to be transferred to town, if not exercised.

77. Should the corporation of the village of London East not exercise or avail itself of the powers conferred upon it by the provisions of this Act in regard to water-works, before the twenty-sixth day of December next, then all the said provisions, rights, powers, duties and obligations shall extend to and be applicable to the said town of London East, and the same shall be read and construed as though the said town of London East were specially mentioned instead of the village of London East, and the rights, privileges and duties thereby given to and imposed upon the reeve, or any officer of the said village, shall be and are given to and imposed upon the mayor or other officers of the said town of London East, respectively; and in the event of the submission of the by-law referred to in the forty-sixth section hereof to the electors of the said town, every elector may vote in each ward of the said town in which he may have the necessary qualification. 15 20 25

SCHEDULE "A."

A by-law to provide for the issue of water-works debentures to the amount of \$ under the authority of "An Act to authorize the village of London East to construct and maintain water-works, and to incorporate said village as a town."

Whereas, the said recited Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding dollars; and whereas a by-law authorizing the construction of water-works for the village of London East, by the authority of the said recited Act, has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of

Be it therefore enacted by the municipal council of the corporation of the village of London East as follows:—

1. It shall be lawful for the water commissioners of the village of London East to raise by way of loan from any person or body corporate who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of dollars, and to cause the same to be paid into the branch or agency office of the at the City of London, to be kept and applied in the manner provided in section forty-two of the said Act.

2. The reeve may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars, or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said village, and signed by the reeve and treasurer thereof.

3. The said debentures shall be made payable in years at furthest, from the date of the respective issue thereof, either in sterling money of Great Britain, or currency of this Province, or Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the day of in the year of our Lord one thousand eight hundred and eighty , and given under the corporate seal of the said municipality.

Clerk.

Reeve.

SCHEDULE " B."

First ward shall comprise all that part of the said town which is bounded as follows: Commencing at the south-west angle of lot formerly known as number twelve in concession "C" of the township of London, then easterly along the south boundary of said lot twelve, lot eleven and lot ten, in said concession "C" to the centre of said lot, the eastern limit of said town; then northerly along the eastern limit of said town to the south side of Florence street; thence westerly along the south side of Florence street, the south side of Campbell street and the south side of York street to Adelaide street, thence southerly along the east side of Adelaide street to the place of beginning.

Second ward shall comprise all that portion of the said town which is bounded as follows: Commencing on the east side of Adelaide street at its junction with the north boundary of York street, thence northerly along the east side of Adelaide street to the south side of Queen's Avenue; thence easterly along the south side of Queen's Avenue and a line which if drawn would be a continuation of a line through the centre of Queen's Avenue to the eastern limit of said town; thence southerly along the eastern limit of said town, the north side of Florence street; thence westerly along the north side of Florence, Campbell and York streets, to the place of beginning.

Third ward shall comprise all that portion of the said town which is bounded as follows: Commencing on the north side of Queen's Avenue at its junction with Adelaide street, then easterly along the north side of Queen's Avenue and a line which if drawn would be the continuation of a line through the centre of Queen's Avenue to the eastern limit of said town; thence northerly along the said eastern limit of said town the northern boundary of the lot known as lot number ten in the first concession of the township of London; thence westerly along the northern boundary of said lot ten and the lots known as lots eleven and twelve in the first concession of the township of London, to the eastern limit of Adelaide street; thence southerly along the eastern limit of Adelaide street to Queen's Avenue, the place of beginning.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Village of London East to construct and maintain Water-Works, and to incorporate said Village as a Town.

First Reading, , 1881.

(*PRIVATE BILL*).

Mr. TOOLEY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Village of London East to construct and maintain Water-Works, and to incorporate said Village as a Town.

WHEREAS, the population of the village of London East, Preamble.
in the county of Middlesex, is rapidly increasing, and the council of the said village have by their petition represented that the construction of water-works and a supply of
5 water for the said village would promote the comfort of its inhabitants, and afford means for the protection of property from fire, that it is desirable to increase the limits of the said village, and that the incorporation of the said village as a town would promote its future progress and prosperity, and
10 have prayed that power may be given to said village to construct and maintain water-works, and to incorporate said village as a town; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
15 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the village of London East, by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and
20 shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the village of London East, and parts adjacent, as hereinafter provided. Construction of water works authorized.

2. The commissioners and their successors shall be a body corporate, under the name of the "Water Commissioners for the village of London East," and shall be composed of three members, of whom the reeve of the village of London East for the time being, shall be *ex officio*, one, and the said commissioners
30 shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every, the other powers conferred upon them by this Act. Water commissioners,

3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the
35 said village of London East, with a sufficient quantity of water for the use of its inhabitants, *for the protection of property from fire or for any purpose.* Duty of commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such
40 lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act. Powers of commissioners.

Power to enter
on lands,

Divert and
appropriate
streams, etc.

Arbitration.

Proviso.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate in the village of London East, or within ten miles of the said village, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, pond of water, spring or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required, for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of the said lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely; the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of Middlesex shall, on application of either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator in his behalf, or in case such land or water privileges be mortgaged, or pledged to any person or persons, the judge of the county court of the county of Middlesex, on application being made to him for that purpose, by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said county of Middlesex, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace, before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same, a certificate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so

awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the village of London East and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers or ponds or water from which the same are procured and the said village of London East, by one or more lines of pipes as may, from time to time, be found necessary; and, for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highway, railways and roads within ten miles of the village of London East, and in, through, over and under the public ways, streets, lanes, railways or other passages within the said village of London East, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the village of London East, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same may pass, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration, as aforesaid; and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the village of London East.

Land, privileges and works vested in corporation of London East.

7. If any of the owners or occupiers of, or persons interested in any land, right or privilege entered upon or taken under the

Payment of compensation into court.

provisions of this Act, is an infant, insane, or absent from this Province, or if any person interested in the moneys awarded as compensation therefor, refuses or is unable to execute the proper conveyance, or if for any other reason the commissioners deem it advisable so to do, the commissioners may pay the amount of such compensation, with interest for six months, into the Court of Chancery, for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights and privileges in respect of which such compensation is awarded, shall be vested in the corporation of the said village of London East, its successors and assigns, and the award shall be deemed the title of the corporation, and may be registered in the proper registry office.

Publication of notice to persons entitled to money in court.

8. A notice, in such form and for such time as the said court appoints, shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the corporation, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, rights or privileges, or any part thereof, including dower as well as all mortgages and incumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law appertain.

Costs.

9. The costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

Interest on money paid into court.

10. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the commissioners or the corporation (as the case may be), and, if from any error, fault or neglect of the commissioners, or the corporation (as the case may be), such order is not obtained until after the six months have expired, the court shall order the commissioners or the corporation (as the case may be), to pay to the proper claimants the interest for such further period as may be right.

Obtaining possession of land before compensation made.

11. If the commissioners show by affidavit to the satisfaction of the judge of the county court of the county wherein the lands lie, that the immediate possession of the lands, or of the rights or privileges which are sought to be acquired under the provisions of this Act is necessary for proceeding with the operations of the commissioners, and that the commissioners are ready to proceed with such operations forthwith, the said judge may, upon the commissioners giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded, within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the commissioners, issue his warrant to the sheriff of the county in which

the lands lie, or to a bailiff, as he may deem most suitable, to put the commissioners in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

12. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the said commissioners, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done; every person offending in any of the cases aforesaid shall on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county of Middlesex for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her, or them.

Prohibitions
and penalties.

13. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Property
exempt from
execution.

14. The said commissioners shall be and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the village of London East, or of any person or persons appointed for that purpose by the council of the corporation of the village of London East, and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the village of London East of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Books to be
kept by com-
missioners.

Inspection of
books.

15. The commissioners and their successors shall from time to time in each year deliver to the council of said corporation

Statements to
be furnished to
corporation.

such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the inhabitants of the village of London East a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the village of London East, and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course. 5

Power to regulate use of water and rates therefor.

Proviso.

16. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion: Provided always that all hydrants, conduits, or other appliances which the corporation of the village of London East may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the village of London East shall direct, and shall be under their exclusive control and direction when erected; and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings. 10 15 20

Rates to be a lien on property.

17. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. 25 30

Use of water supply not compulsory.

18. Notwithstanding anything in this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council, unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers. 35

Use of water supply no disqualification for council.

19. No person shall be held to be disqualified from being elected, or sitting as a member of the council of the municipal corporation of the village of London East, by reason of his being a taker or consumer of water supplied by the commissioners or the corporation, or by reason of any dealing or contract with the commissioners or the corporation, with reference to the supply of water to such person. 40

Moneys collected to be paid to corporation.

20. All water rents and water rates when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the Village of London East. 45

Power to make by-laws for management of works and collection of rates.

21. The commissioners shall have power from time to time, to make and enforce all necessary by-laws, rules and regulations, for the general maintenance or the management and conduct of the said water-works, officers, and others employed by them, not inconsistent with this act; and for the collection of the said water-rent and water-rate, and for fixing the time and 50

times (which shall be quarterly) when and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the village of London East, or County of Middlesex, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of village taxes; and the costs chargeable shall be those payable to bailiffs under the division court act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

22. The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Village of London East" against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Actions by and against commissioners.

23. The commissioners, by by-law, shall have power, with the consent of the corporation of the village of London East, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the village of London East may by law possess and enjoy.

Power to employ collectors, assessors, etc.

24. The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province.

Protection in exercise of office.

25. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, such

Drawing off water without consent of commissioners prohibited.

pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Bathing, etc.,
within one
mile of source
of water sup-
ply prohibited.

26. If any person shall bathe or wash, or cleanse any cloth, 5
wool, leather, skin, or animals, or place any nuisance or
offensive thing within the distance of one mile from the source
of supply for such water-works, in any river, pond, creek,
spring, source or fountain from which the water of the said
water-works is obtained, or shall convey, or cast, or throw or 10
put any filth, dirt, dead carcasses, or other noisome or offensive
things therein, or within the distance as above set out, or
cause, permit, or suffer the water of any sink, sewer or drain to
run or be conveyed into the same, or cause any other thing to be
done whereby the water therein may be in anywise tainted or 15
fouled, every such person shall, on conviction thereof before any
justice of the peace, be by such justice adjudged and con-
demned to pay a penalty for every such offence, not exceeding
twenty dollars, together with costs, one half to be applied to
water-works purposes, and the other half to him or her who 20
shall lay the information; and in case the party laying such
information be the commissioners themselves or any of their
officers or servants, then the whole of said penalty shall be ap-
plied to the uses of the commissioners for water-works pur-
poses, and such justice *may* also in his discretion further con- 25
demn such person to be confined in the common gaol for a
space of time not exceeding one calendar month, with or with-
out hard labour, as to such justice may seem meet.

Power to make
by-laws pro-
hibiting
wrongful use
of water, and
regulating
supply.

27. It shall and may be lawful for the commissioners, and
they are hereby authorized and empowered to make such by- 30
laws as to them shall seem requisite and necessary for prohib-
iting by fine, not exceeding twenty dollars, for water-works pur-
poses, or imprisonment, not exceeding one calendar month, (the
amount of such fine, and duration of such imprisonment, and
also the option between fine and imprisonment, with or with- 35
out hard labour, being always in the discretion of the justice
of the peace before whom any proceeding may be taken for en-
forcement thereof,) any person being occupant, tenant or inmate,
of any house supplied with water from the said water-works,
from lending, selling or disposing of the water thereof, from 40
giving it away or permitting it to be taken or carried away,
or from using or applying it to the use or benefit of others,
or to any other than to his, her or their own use and benefit,
or from increasing the supply of water agreed for with the said
commissioners, or from wrongfully neglecting or improperly 45
wasting the water; as also for regulating the time, manner,
extent and nature of the supply by the said works, the tene-
ment or parties to which and to whom the same shall be fur-
nished, the price or prices to be exacted therefor, and each
and every matter or thing relating thereto or connected there- 50
with, which it may be necessary or proper to direct, regulate
or determine, for issuing to the inhabitants of the said village
a continued and abundant supply of pure and wholesome
water, and to prevent the practising of frauds upon the com-
missioners with regard to the water so supplied. 55

28. In all cases where a vacant space intervenes between the line of street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water-rates, and to be collected in the same manner from the said owners.

Cost of laying service pipes across vacant spaces, how defrayed.

29. The service pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stop-cock placed by the commissioners inside of the wall of the building, shall not be used by the water tenant, except in cases of accident, or for the protection of the building or pipes, and to prevent flooding of premises.

Service pipes, etc., under control of the commissioners.

30. All parties supplied with water by the commissioners may be required to place only such taps for the drawing or shutting off the water as may be approved of by the commissioners.

Taps.

31. Neither the water commissioners nor the corporation of the village of London East, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes: Provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Non-liability for breakage or stoppage.

32. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Inspection of premises supplied with water.

23. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the village of London East, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night, or part of a night, said obstruction shall continue, shall be considered a separate offence.

Interference with hydrants, etc., prohibited.

34. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum of commissioners.

Cost of extending supply to suburbs, etc.

35. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs, or partially built portions of the village, by allowing a deduction from the price charged for the water, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Authority to supply water out of town.

36. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the village of London East, and may exercise all other powers necessary to the carrying out of their agreements with such corporation, or persons, as well within the townships of London and Westminster as within the village of London East; and they may also from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory *within the aforesaid limits*: Provided, that no power shall be exercised under this clause, without the consent and approbation of the council of the corporation of the village of London East.

Property exempt from taxation.

37. The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.

Limitation of actions.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Powers of officers.

39. The watchmen and other officers of the water commissioners when in the discharge of their duty, shall be *ex officio*, possessed of all the powers and authorities of officers of the peace.

Issue of debentures authorized.

40. For the purpose of acquiring the necessary lands, rights and privileges, and constructing the said water-works, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the extension and repairs of the said water-works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of London East shall have power to pass a by-law authorizing the issue of, and to issue, debentures of the said corporation of the village of London East, to be called water-works debentures, for a sum of money not exceeding *one hundred thousand* dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall become payable in manner and at the times following, that is to say, within a

period of thirty years from the date of the respective issues thereof, and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half-yearly, and shall have coupons attached for the payment of the said
 5 half-yearly interest; and such debentures shall be signed by the reeve and treasurer of said village for the time being, and may be made payable either in sterling or currency in this Province, Great Britain or elsewhere as to the council of the corporation of the village of London East shall seem expedient; and the
 10 corporation of the village of London East and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works or at the expiration of three years from the date of
 15 the first issue of such debentures, such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay
 20 the said principal and interest on such debentures; and it shall not be necessary to submit any by-law for the issue of the said debentures to the approval of the ratepayers or electors of the village of London East; but the said debentures to be issued hereunder shall be valid and effectual, and binding to all in-
 25 tents and purposes on the corporation of the village of London East, notwithstanding any of the provisions of the Municipal Institutions Act in that behalf have not been complied with.

41. It shall not be necessary that any by-law passed under the authority of the next preceding section of this Act shall provide
 30 that any *specific sum*, special or other rate per annum, shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall be the duty of the corporation of the village of
 London East and the council thereof, in each and every year
 35 after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures, whichever shall first happen, to impose, levy and collect a rate sufficient to pay the interest upon, and to provide a sinking fund of two per cent. per annum for the payment of
 40 the said debentures, and the by-law for the issue of debentures under the authority of the fortieth section of this Act may be in the form contained in the schedule "B" to this Act.

Debenture by-law need not specify rate.

Corporation to impose necessary rate.

42. Such debentures when issued shall be deposited in some of the chartered banks having an office in the city of
 45 London, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said village, and the same shall only be paid out on the cheque of the reeve and treasurer for the time being of the village of London East, and the chairman for the time
 50 being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection
 55 and completion of the said water-works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the con-

Application of proceeds of debentures.

Proviso.

tractor or contractors or others, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the council of the corporation of the village of London East thereto, nor from selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the village of London East.

Water works property charged with sums raised for purposes of this Act.

43. The said water-works to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water-works, and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

20

Application of revenue.

44. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water-works, to be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the said water-works, be paid over to, and deposited monthly with the treasurer of the said corporation of the village of London East, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly.

30

Power to sell or lease property.

45. The corporation of the Village of London East may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold, demise and lease the same.

When Act to take effect

46. *The preceding sections of this Act shall not have any force or effect until the council of the corporation of the village of London East shall pass a by-law authorizing the construction of the said water-works, but no by-law shall be passed, (firstly), until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof), has been published for one month in some newspaper in the city of London; nor, (secondly), until a poll has been held in the same manner and at the same places and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor, (thirdly), unless the by-law is thereafter passed at some meeting of the council of the corporation of the village of London East, held not less than ten days, nor more than one calendar month, after taking the said vote.*

47. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the *then* current year.

If by-law rejected, not to be submitted during again year.

48. The by-law shall recite (1) the title of this Act; (2) the amount of the estimated expenditure for water-works; (3) the amount of debt which it is intended to create by the construction of the said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act.

Provisions as to by-law.

(2) The council of the village of London East shall name the returning officers and poll-clerks to take the votes.

(3) The electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll of the village of London East, for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all village taxes, and the clerk shall furnish the returning officers with a verified list of the electors.

(4) Any ratepayer offering to vote on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

"I, A. B., do solemnly and sincerely make oath (or affirm, as the case may be), that I am the person named or purporting to be named in the list of electors; that I am a freeholder, or leaseholder, (as the case may be); that my lease extends for the period of ten years from the time of making this oath or affirmation (or for life); that I am bound in such lease to pay all village taxes, and that I am according to law entitled to vote on the said by-law."

(5). Every returning officer shall, on the day after the closing of the poll, return his poll-book verified to the clerk of the village of London East, and in case of the loss or destruction of the poll-book, deliver a statement under oath of the number of votes for and against said by-law at the time of the loss or destruction of the poll-book.

(6). The village clerk shall add up the number of the votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

49. No irregularity in the passing of the said by-law or in the form of the said debentures authorized by this Act in the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof.

Irregularities not to render debentures invalid.

50. There shall be three commissioners, of whom the reeve of the village of London East, for the time being shall be *ex-officio* one, and two of whom shall be elected by the ratepayers of the said village, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the village of London East may by by-law, before their election, determine.

Commissioners, how appointed.

Term of office. **51.** The said water commissioners shall hold office for the term of one year, *and until their successors are appointed and elected*, except the commissioners first elected, who shall hold office until the first Monday of January next following their election; and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as for the election of the reeve of said village, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to reeves shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise. 5 10

First election of commissioners.

52. Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said village shall take place, for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar to those in the case of the nomination for reeve; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in the said village at the places, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in like manner as an election for reeve. 15 20 25

Vacancies in office.

53. A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of *the village of London East* shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled. 30 35

Works to be finished in three years.

54. The said works shall be constructed, completed and finished within three years from the passing of said by-law authorizing the construction of said water-works.

Work to be performed by contract.

55. All work under the commissioners shall be performed by contract. 40

No commissioner or councilman to hold contract in connection with works.

56. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no deputy-reeve or councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman. 45

Qualification of commissioners.

57. The water commissioners shall have the same property qualification as, by municipal law, councilmen are required to have over and above all incumbrances; and shall before taking office, and within ten days of their election or appointment, make oath to such qualification before some justice of the peace of the county of Middlesex, and deposit the same with the village clerk of the corporation of the village of London East. 50

58. Notwithstanding the provisions of this act authorizing the construction of the said water-works through the agency of commissioners, the corporation of the village of London East in the by-law authorizing the construction of said water-works, and referred to in the forty-sixth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said corporation of the village of London East; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this act, given to, granted or vested in or imposed on the said commissioners, shall be vested in the said corporation, and the *council of the* said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this act.

Works may be constructed directly by corporation.

59. In case the corporation of the village of London East shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may in the by-law referred to in the forty-sixth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient.

Works may be constructed by a company or otherwise.

60. In case the corporation of the village of London East shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting on any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of the qualified voters in the proposed by-law mentioned in the forty-sixth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately

Approval by electors of mode of construction necessary.

61. The *council of the* corporation of the village of London East shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works, and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the village of London East or upon the said council.

Delegation of powers by corporation.

62. It shall and may be lawful for the said commissioners, or the corporation of the village of London East, as the case may be, and they are hereby authorized, instead of constructing water-works to make and enter into an agreement with the corporation of the city of London, or with the water commissioners for the city of London, or any corporate water company, for a supply of water for the said village or its inhabitants, on such terms and for such time as may be mutually agreed upon, but only after a by-law approving of the same shall have been passed in accordance with the provisions of the forty-sixth sec-

Agreement with corporation of city of London for water supply authorized.

tion of this Act, and the water commissioners for the city of London, or other body having the control of the water-works system of the said city, may, with the consent of the municipal council of the corporation of the said city of London, enter into such agreement.

5

Corporation
may declare
powers of com-
missioners at
an end.

63. The said municipal council of the village of London East may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners shall on and from a day to be named therein cease, be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall, from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said water-works shall be managed and controlled by the said municipal council; and the said municipal council shall be invested with all the powers, rights and privileges which are by this Act conferred upon, vested in, or enjoyed by the said commissioners, and be charged with all the duties which are thereby imposed upon them: Provided always, that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the village of London East as were entitled to vote on the by-law to authorize the construction of the said water-works, shall have first been obtained thereto, in the manner prescribed in the municipal act, with respect to by-laws (other than drainage by-laws) requiring the assent of the electors.

Water supply
of city of
London not to
be interfered
with.

64. Nothing in this Act contained shall be taken to authorize the corporation of the village of London East, or the water commissioners for the village of London East or any other person acting under the authority of this Act, to interfere with or appropriate any springs or sources of water supply at the time being in actual use by the water commissioners for the city of London, or any person or body having the control of the water supply of the said city of London, or any springs or sources of water within three miles of such springs or sources of water, or to cut up, dig or lay down pipes in, under or through or otherwise interfere with any street, highway or lands within the said city of London, or to supply water within the said city of London without having first obtained a by-law of the Municipal council of the corporation of the said city of London authorizing them so to do.

Incorporation
of town of
London East.

65. On and after the twenty-sixth day of December next after the passing of this Act, the said village of London East shall be and is hereby constituted a corporation or body politic under the name of "The Corporation of the Town of London East," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws for the said Province, and shall be subject to the like duties and liabilities.

50

Limits of town.

66. The said town of London East shall comprise and consist of the present village of London East and the north half of lot number twelve, the north half of lot number eleven and the west half of lot number ten, in the first concession of the township of London, in the county of Middlesex.

67. The said town shall be divided into three wards, in **Wards.**
manner described in schedule "B" to this Act, to be called re-
spectively the first, second and third wards, which said several
wards shall be respectively composed and bounded as in said
5 schedule described.

68. Except as otherwise provided by this Act, the pro- **Acts respect-**
visions of "The Municipal Act," and of all other general Acts **ing municipal**
respecting municipal institutions with regard to matters con- **institutions to**
sequent upon the formation of new corporations, and other **apply.**
10 provisions of the said Acts applicable to incorporated villages,
shall apply to the village of London East in the same manner
as they would have been applicable had the said village of
London East been erected into a town under the provisions of
the said Acts. 

15 69. At the first election of mayor, reeve, deputy-reeve and **Qualification**
councillors for the town of London East, the qualification of **of electors and**
electors and that of officers required to qualify shall be the **officers.**
same as that required in villages by the municipal laws of On-
tario.

20 70. The expenses incurred in obtaining this Act and of **Expense of**
furnishing any documents, copies of papers, writings, deeds, or **Act.**
any matters whatsoever required by the clerk or other officer
of the said town, or otherwise, and not theretofore paid by the
said village, shall be borne by the said town and paid by it to
25 any party that may be entitled thereto.

71. Should the corporation of the village of London East **Powers given**
not exercise or avail itself of the powers conferred upon it by **to corporation**
the provisions of this Act in regard to water-works, before the **of village to be**
twenty-sixth day of December next, then all the said provis- **transferred to**
30 ions, rights, powers, duties and obligations shall extend to and **town, if not**
be applicable to the said town of London East, and the same **exercised.**
shall be read and construed as though the said town of London
East were specially mentioned instead of the village of London
East, and the rights, privileges and duties thereby given to
35 and imposed upon the reeve, or any officer of the said village, shall
be and are given to and imposed upon the mayor or other officers
of the said town of London East, respectively; and in the event
of the submission of the by-law referred to in the forty-sixth
section hereof to the electors of the said town, every elector
40 may vote in each ward of the said town in which he may have
the necessary qualification.

SCHEDULE "A."

A by-law to provide for the issue of water-works debentures
to the amount of \$ under the authority of "An Act
to authorize the village of London East to construct and main-
tain water-works, and to incorporate said village as a town."

Whereas, the said recited Act authorizes the issue of deben-
tures for the purposes therein mentioned to an amount not ex-
ceeding dollars; and whereas a by-law author-
izing the construction of water-works for the village of London
East, by the authority of the said recited Act, has been duly

passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of

Be it therefore enacted by the municipal council of the corporation of the village of London East as follows:—

1. It shall be lawful for the water commissioners of the village of London East to raise by way of loan from any person or body corporate who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of dollars, and to cause the same to be paid into the branch or agency office of the at the City of London, to be kept and applied in the manner provided in section forty-two of the said Act.

2. The reeve may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars, or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said village, and signed by the reeve and treasurer thereof.

3. The said debentures shall be made payable in years at furthest, from the date of the respective issue thereof, either in sterling money of Great Britain, or currency of this Province, or Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the day of in the year of our Lord one thousand eight hundred and eighty , and given under the corporate seal of the said municipality.

Clerk.

Reeve.

SCHEDULE " B."

First ward shall comprise all that part of the said town which is bounded as follows: Commencing at the south-west angle of lot formerly known as number twelve in concession "C" of the township of London, then easterly along the south boundary of said lot twelve, lot eleven and lot ten, in said concession "C" to the centre of said lot, the eastern limit of said town; then northerly along the eastern limit of said town to the south side of Florence street; thence westerly along the south side of Florence street, the south side of Campbell street and the south side of York street to Adelaide street, thence southerly along the east side of Adelaide street to the place of beginning.

Second ward shall comprise all that portion of the said town which is bounded as follows: Commencing on the east side of Adelaide street at its junction with the north boundary of York street, thence northerly along the east side of Adelaide street to the south side of Queen's Avenue; thence easterly along the south side of Queen's Avenue and a line which if drawn would be a continuation of a line through the centre

of Queen's Avenue to the eastern limit of said town; thence southerly along the eastern limit of said town, to the north side of Florence street; thence westerly along the north side of Florence, Campbell and York streets, to the place of beginning.

Third ward shall comprise all that portion of the said town which is bounded as follows: Commencing on the north side of Queen's Avenue at its junction with Adelaide street, then easterly along the north side of Queen's Avenue and a line which if drawn would be the continuation of a line through the centre of Queen's Avenue to the eastern limit of said town; thence northerly along the said eastern limit of said town the northern boundary of the lot known as lot number ten in the first concession of the township of London; thence westerly along the northern boundary of said lot ten and the lots known as lots eleven and twelve in the first concession of the township of London, to the eastern limit of Adelaide street; thence southerly along the eastern limit of Adelaide street to Queen's Avenue, the place of beginning.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Village of London
East to construct and maintain Water-
Works, and to incorporate said Village as
a Town.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. TOOLEY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Village of London East to construct and maintain Water-Works, and to incorporate said Village as a Town.

WHEREAS, the population of the village of London East, Preamble.
in the county of Middlesex, is rapidly increasing, and the council of the said village have by their petition represented that the construction of water-works and a supply of
5 water for the said village would promote the comfort of its inhabitants, and afford means for the protection of property from fire, that it is desirable to increase the limits of the said village, and that the incorporation of the said village as a town would promote its future progress and prosperity, and
10 have prayed that power may be given to said village to construct and maintain water-works, and to incorporate said village as a town; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
15 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the village of London East, by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and
20 shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the village of London East, and parts adjacent, as hereinafter provided. Construction of water works authorized.

2. The commissioners and their successors shall be a body corporate, under the name of the "Water Commissioners for the village of London East," and shall be composed of three members, of whom the reeve of the village of London East for the time being, shall be *ex officio*, one, and the said commissioners
30 shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every, the other powers conferred upon them by this Act. Water commissioners.

3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the
35 said village of London East, with a sufficient quantity of water for the use of its inhabitants, for the protection of property from fire or for any purpose. Duty of commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such
40 lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act. Powers of commissioners.

Power to enter
on lands,

Divert and
appropriate
streams, etc.

Arbitration.

Proviso.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate in the village of London East, or within ten miles of the said village, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, pond of water, spring or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required, for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of the said lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely; the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of Middlesex shall, on application of either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator in his behalf, or in case such land or water privileges be mortgaged, or pledged to any person or persons, the judge of the county court of the county of Middlesex, on application being made to him for that purpose, by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said county of Middlesex, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace, before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same, a certificate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so

awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the village of London East and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers or ponds or water from which the same are procured and the said village of London East, by one or more lines of pipes as may, from time to time, be found necessary; and, for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways and roads within ten miles of the village of London East, and in, through, over and under the public ways, streets, lanes, railways or other passages within the said village of London East, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the village of London East, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same may pass, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration, as aforesaid; and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the village of London East.

Land, privileges and works vested in corporation of London East.

7. If any of the owners or occupiers of, or persons interested in any land, right or privilege entered upon or taken under the

Payment of compensation into court.

provisions of this Act, is an infant, insane, or absent from this Province, or if any person interested in the moneys awarded as compensation therefor, refuses or is unable to execute the proper conveyance, or if for any other reason the commissioners deem it advisable so to do, the commissioners may pay the amount of such compensation, with interest for six months, into the Court of Chancery, for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights and privileges in respect of which such compensation is awarded, shall be vested in the corporation of the said village of London East, its successors and assigns, and the award shall be deemed the title of the corporation, and may be registered in the proper registry office.

Publication of
notice to per-
sons entitled
to money in
court.

8. A notice, in such form and for such time as the said court appoints, shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the corporation, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, rights or privileges, or any part thereof, including dower as well as all mortgages and incumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law appertain.

Costs.

9 The costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

Interest on
money paid
into court.

10. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the commissioners or the corporation (as the case may be), and, if from any error, fault or neglect of the commissioners, or the corporation (as the case may be), such order is not obtained until after the six months have expired, the court shall order the commissioners or the corporation (as the case may be), to pay to the proper claimants the interest for such further period as may be right.

Obtaining
possession of
land before
compensation
made.

11. If the commissioners show by affidavit to the satisfaction of the judge of the county court of the county wherein the lands lie, that the immediate possession of the lands, or of the rights or privileges which are sought to be acquired under the provisions of this Act is necessary for proceeding with the operations of the commissioners, and that the commissioners are ready to proceed with such operations forthwith, the said judge may, upon the commissioners giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded, within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the commissioners, issue his warrant to the sheriff of the county in which

the lands lie, or to a bailiff, as he may deem most suitable, to put the commissioners in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

12. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the said commissioners, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done; every person offending in any of the cases aforesaid shall on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county of Middlesex for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her, or them.

13. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

14. The said commissioners shall be and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the village of London East, or of any person or persons appointed for that purpose by the council of the corporation of the village of London East, and the said commissioners shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the village of London East of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

15. The commissioners and their successors shall from time to time in each year deliver to the council of said corporation

Prohibitions
and penalties.

Property
exempt from
execution.

Books to be
kept by com-
missioners.

Inspection of
books.

Statements to
be furnished to
corporation.

such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the inhabitants of the village of London East a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the village of London East, and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course. 5

Power to regulate use of water and rates therefor.

Proviso.

Rates to be a lien on property.

Use of water supply not compulsory.

Use of water supply no disqualification for council.

Moneys collected to be paid to corporation.

Power to make by-laws for management of works and collection of rates.

16. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion: Provided always that all hydrants, conduits, or other appliances which the corporation of the village of London East may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the village of London East shall direct, and shall be under their exclusive control and direction when erected; and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings. 10 15 20

17. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. 25 30

18. Notwithstanding anything in this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council, unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers. 35

19. No person shall be held to be disqualified from being elected, or sitting as a member of the council of the municipal corporation of the village of London East, by reason of his being a taker or consumer of water supplied by the commissioners or the corporation, or by reason of any dealing or contract with the commissioners or the corporation, with reference to the supply of water to such person. 40

20. All water rents and water rates when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the Village of London East. 45

21. The commissioners shall have power from time to time, to make and enforce all necessary by-laws, rules and regulations, for the general maintenance or the management and conduct of the said water-works, officers, and others employed by them, not inconsistent with this act; and for the collection of the said water-rent and water-rate, and for fixing the time and 50

times (which shall be quarterly) when and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the village of London East, or County of Middlesex, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of village taxes; and the costs chargeable shall be those payable to bailiffs under the division court act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

22. The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Village of London East" against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Actions by and against commissioners.

23. The commissioners, by by-law, shall have power, with the consent of the corporation of the village of London East, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the village of London East may by law possess and enjoy.

Power to employ collectors, assessors, etc.

24. The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province.

Protection in exercise of office.

25. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, such

Drawing off water without consent of commissioners prohibited.

pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Bathing, etc.,
within one
mile of source
of water sup-
ply prohibited.

26. If any person shall bathe or wash, or cleanse any cloth, 5
wool, leather, skin, or animals, or place any nuisance or
offensive thing within the distance of one mile from the source
of supply for such water-works, in any river, pond, creek,
spring, source or fountain from which the water of the said
water-works is obtained, or shall convey, or cast, or throw or 10
put any filth, dirt, dead carcasses, or other noisome or offensive
things therein, or within the distance as above set out, or
cause, permit, or suffer the water of any sink, sewer or drain to
run or be conveyed into the same, or cause any other thing to be
done whereby the water therein may be in anywise tainted or 15
fouled, every such person shall, on conviction thereof before any
justice of the peace, be by such justice adjudged and con-
demned to pay a penalty for every such offence, not exceeding
twenty dollars, together with costs, one half to be applied to
water-works purposes, and the other half to him or her who 20
shall lay the information; and in case the party laying such
information be the commissioners themselves or any of their
officers or servants, then the whole of said penalty shall be ap-
plied to the uses of the commissioners for water-works pur-
poses, and such justice *may* also in his discretion further con- 25
demn such person to be confined in the common gaol for a
space of time not exceeding one calendar month, with or with-
out hard labour, as to such justice may seem meet.

Power to make
by-laws pro-
hibiting
wrongful use
of water, and
regulating
supply.

27. It shall and may be lawful for the commissioners, and
they are hereby authorized and empowered to make such by- 30
laws as to them shall seem requisite and necessary for prohib-
iting by fine, not exceeding twenty dollars, for water-works pur-
poses, or imprisonment, not exceeding one calendar month, (the
amount of such fine, and duration of such imprisonment, and
also the option between fine and imprisonment, with or with- 35
out hard labour, being always in the discretion of the justice
of the peace before whom any proceeding may be taken for en-
forcement thereof,) any person being occupant, tenant or inmate,
of any house supplied with water from the said water-works,
from lending, selling or disposing of the water thereof, from 40
giving it away or permitting it to be taken or carried away,
or from using or applying it to the use or benefit of others,
or to any other than to his, her or their own use and benefit,
or from increasing the supply of water agreed for with the said
commissioners, or from wrongfully neglecting or improperly 45
wasting the water; as also for regulating the time, manner,
extent and nature of the supply by the said works, the tene-
ment or parties to which and to whom the same shall be fur-
nished, the price or prices to be exacted therefor, and each
and every matter or thing relating thereto or connected there- 50
with, which it may be necessary or proper to direct, regulate
or determine, for issuing to the inhabitants of the said village
a continued and abundant supply of pure and wholesome
water, and to prevent the practising of frauds upon the com-
missioners with regard to the water so supplied. 55

28. In all cases where a vacant space intervenes between the line of street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water-rates, and to be collected in the same manner from the said owners.

Cost of laying service pipes across vacant spaces, how defrayed.

29. The service pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stop-cock placed by the commissioners inside of the wall of the building, shall not be used by the water tenant, except in cases of accident, or for the protection of the building or pipes, and to prevent flooding of premises.

Service pipes, etc., under control of the commissioners.

30. All parties supplied with water by the commissioners may be required to place only such taps for the drawing or shutting off the water as may be approved of by the commissioners.

Taps.

31. Neither the water commissioners nor the corporation of the village of London East, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes: Provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Non-liability for breakage or stoppage.

32. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Inspection of premises supplied with water.

33. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the village of London East, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish or otherwise; every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night, or part of a night, said obstruction shall continue, shall be considered a separate offence.

Interference with hydrants, etc., prohibited.

34. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum of commissioners

Cost of extending supply to suburbs, etc.

35. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs, or partially built portions of the village, by allowing a deduction from the price charged for the water, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Authority to supply water out of town.

36. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the village of London East, and may exercise all other powers necessary to the carrying out of their agreements with such corporation, or persons, as well within the townships of London and Westminster as within the village of London East; and they may also from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory *within the aforesaid limits*: Provided, that no power shall be exercised under this clause, without the consent and approbation of the council of the corporation of the village of London East.

Property exempt from taxation.

37. The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.

Limitation of actions.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Powers of officers.

39. The watchmen and other officers of the water commissioners when in the discharge of their duty, shall be *ex officio*, possessed of all the powers and authorities of officers of the peace.

Issue of debentures authorized.

40. For the purpose of acquiring the necessary lands, rights and privileges, and constructing the said water-works, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the extension and repairs of the said water-works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of London East shall have power to pass a by-law authorizing the issue of, and to issue, debentures of the said corporation of the village of London East, to be called water-works debentures, for a sum of money not exceeding *one hundred thousand* dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall become payable in manner and at the times following, that is to say, within a

period of thirty years from the date of the respective issues thereof, and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half-yearly, and shall have coupons attached for the payment of the said
 5 half-yearly interest; and such debentures shall be signed by the reeve and treasurer of said village for the time being, and may be made payable either in sterling or currency in this Province, Great Britain or elsewhere as to the council of the corporation of the village of London East shall seem expedient; and the
 10 corporation of the village of London East and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works or at the expiration of three years from the date of
 15 the first issue of such debentures, such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay
 20 the said principal and interest on such debentures; and it shall not be necessary to submit any by-law for the issue of the said debentures to the approval of the ratepayers or electors of the village of London East; but the said debentures to be issued hereunder shall be valid and effectual, and binding to all in-
 25 tents and purposes on the corporation of the village of London East, notwithstanding any of the provisions of the Municipal Institutions Act in that behalf have not been complied with.

41. It shall not be necessary that any by-law passed under the authority of the next preceding section of this Act shall provide
 30 that any *specific sum*, special or other rate per annum, shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall be the duty of the corporation of the village of London East and the council thereof, in each and every year
 35 after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures, whichever shall first happen, to impose, levy and collect a rate sufficient to pay the interest upon, and to provide a sinking fund of two per cent. per annum for the payment of
 40 the said debentures, and the by-law for the issue of debentures under the authority of the fortieth section of this Act may be in the form contained in the schedule "B" to this Act.

Debenture by-law need not specify rate.

Corporation to impose necessary rate.

42. Such debentures when issued shall be deposited in some of the chartered banks having an office in the city of
 45 London, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said village, and the same shall only be paid out on the cheque of the reeve and treasurer for the time being of the village of London East, and the chairman for the time
 50 being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection
 55 and completion of the said water-works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the con-

Application of proceeds of debentures.

Proviso.

tractor or contractors or others, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the council of the corporation of the village of London East thereto, nor from selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the village of London East. 5

Water works property charged with sums raised for purposes of this Act.

43. The said water-works to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water-works, and property appertaining thereto for securing the payment of the said debentures and the interest thereon. 10 15 20

Application of revenue.

44. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water-works, to be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the said water-works, be paid over to, and deposited monthly with the treasurer of the said corporation of the village of London East, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly. 25 30

Power to sell or lease property.

45. The corporation of the Village of London East may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold demise and lease the same.

When Act to take effect

46. *The preceding sections of this Act shall not have any force or effect until the council of the corporation of the village of London East shall pass a by-law authorizing the construction of the said water-works, but no by-law shall be passed, (firstly), until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof), has been published for one month in some newspaper in the city of London; nor, (secondly), until a poll has been held in the same manner and at the same places and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor, (thirdly), unless the by-law is thereafter passed at some meeting of the council of the corporation of the village of London East, held not less than ten days, nor more than one calendar month, after taking the said vote.* 35 40 45 50

47. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the *then* current year.

If by-law rejected, not to be submitted during again year.

48. The by-law shall recite (1) the title of this Act; (2) the amount of the estimated expenditure for water-works; (3) the amount of debt which it is intended to create by the construction of the said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act.

Provisions as to by-law.

(2) The council of the village of London East shall name the returning officers and poll-clerks to take the votes.

(3) The electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll of the village of London East, for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all village taxes, and the clerk shall furnish the returning officers with a verified list of the electors.

(4) Any ratepayer offering to vote on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

"I, A. B., do solemnly and sincerely make oath (or affirm, as the case may be), that I am the person named or purporting to be named in the list of electors; that I am a freeholder, or leaseholder, (as the case may be); that my lease extends for the period of ten years from the time of making this oath or affirmation (or for life); that I am bound in such lease to pay all village taxes, and that I am according to law entitled to vote on the said by-law."

(5). Every returning officer shall, on the day after the closing of the poll, return his poll-book verified to the clerk of the village of London East, and in case of the loss or destruction of the poll-book, deliver a statement under oath of the number of votes for and against said by-law at the time of the loss or destruction of the poll-book.

(6). The village clerk shall add up the number of the votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

49. No irregularity in the passing of the said by-law or in the form of the said debentures authorized by this Act in the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof.

Irregularities not to render debentures invalid.

50. There shall be three commissioners, of whom the reeve of the village of London East, for the time being shall be *ex-officio* one, and two of whom shall be elected by the ratepayers of the said village, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the village of London East may by by-law, before their election, determine.

Commissioners, how appointed.

Term of office. **51.** The said water commissioners shall hold office for the term of one year, *and until their successors are appointed and elected*, except the commissioners first elected, who shall hold office until the first Monday of January next following their election; and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as for the election of the reeve of said village, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to reeves shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise. 5 10

First election of commissioners. **52.** Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said village shall take place, for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar to those in the case of the nomination for reeve; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in the said village at the places, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in like manner as an election for reeve. 15 20 25

Vacancies in office. **53.** A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of *the village of London East* shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled. 30 35

Works to be finished in three years. **54.** The said works shall be constructed, completed and finished within three years from the passing of said by-law authorizing the construction of said water-works.

Work to be performed by contract. **55.** All work under the commissioners shall be performed by contract. 40

No commissioner or councilman to hold contract in connection with works. **56.** No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no deputy-reeve or councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman. 45

Qualification of commissioners. **57.** The water commissioners shall have the same property qualification as, by municipal law, councilmen are required to have over and above all incumbrances; and shall before taking office, and within ten days of their election or appointment, make oath to such qualification before some justice of the peace of the county of Middlesex, and deposit the same with the village clerk of the corporation of the village of London East. 50

58. Notwithstanding the provisions of this act authorizing the construction of the said water-works through the agency of commissioners, the corporation of the village of London East in the by-law authorizing the construction of said water-works, and referred to in the forty-sixth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said corporation of the village of London East; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this act, given to, granted or vested in or imposed on the said commissioners, shall be vested in the said corporation, and the *council of the* said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this act.

Works may be constructed directly by corporation.

59. In case the corporation of the village of London East shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may in the by-law referred to in the forty-sixth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient.

Works may be constructed by a company or otherwise.

60. In case the corporation of the village of London East shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting on any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of the qualified voters in the proposed by-law mentioned in the forty-sixth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Approval by electors of mode of construction necessary.

61. The *council of the* corporation of the village of London East shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works, and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the village of London East or upon the said council.

Delegation of powers by corporation.

62. It shall and may be lawful for the said commissioners, or the corporation of the village of London East, as the case may be, and they are hereby authorized, instead of constructing water-works to make and enter into an agreement with the corporation of the city of London, or with the water commissioners for the city of London, or any corporate water company, for a supply of water for the said village or its inhabitants, on such terms and for such time as may be mutually agreed upon, but only after a by-law approving of the same shall have been passed in accordance with the provisions of the forty-sixth sec-

Agreement with corporation of city of London for water supply authorized.

tion of this Act,  and the water commissioners for the city of London, or other body having the control of the water-works system of the said city, may, with the consent of the municipal council of the corporation of the said city of London, enter into such agreement. 

5

Corporation
may declare
powers of com-
missioners at
an end.

63. The said municipal council *of the village of London East* may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners shall on and from a day to be named therein cease, be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall, from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said water-works shall be managed and controlled by the said municipal council; and the said municipal council shall be invested with all the powers, rights and privileges which are by this Act conferred upon, vested in, or enjoyed by the said commissioners, and be charged with all the duties which are thereby imposed upon them: Provided always, that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the village of London East as were entitled to vote on the by-law to authorize the construction of the said water-works, shall have first been obtained thereto, in the manner prescribed in the municipal act, with respect to by-laws (other than drainage by-laws) requiring the assent of the electors.

Water supply
of city of
London not to
be interfered
with.

 **64.** Nothing in this Act contained shall be taken to authorize the corporation of the village of London East, or the water commissioners for the village of London East or any other person acting under the authority of this Act, to interfere with or appropriate any springs or sources of water supply at the time being in actual use by the water commissioners for the city of London, or any person or body having the control of the water supply of the said city of London, or any springs or sources of water within three miles of such springs or sources of water, or to cut up, dig or lay down pipes in, under or through or otherwise interfere with any street, highway or lands within the said city of London, or to supply water within the said city of London without having first obtained a by-law of the Municipal council of the corporation of the said city of London authorizing them so to do. 

Incorporation
of town of
London East.

65. On and after the twenty-sixth day of December next after the passing of this Act, the said village of London East shall be and is hereby constituted a corporation or body politic under the name of "The Corporation of the Town of London East," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws for the said Province, *and shall be subject to the like duties and liabilities.*

50

Limits of town.

 **66.** The said town of London East shall comprise and consist of the present village of London East and the north half of lot number twelve, the north west quarter of lot number eleven, and the south west part of lot number ten, in the first concession of the township of London, in the county of

55

Middlesex, the said part of lot number ten having a frontage of ten chains and eighty-nine and one-half links, by a depth northerly of eighteen chains and thirty-five links, and being that part of said lot number ten known as "Abbott's Survey." 

- 5 **67.** The said town shall be divided into three wards, in **Wards.**
manner described in schedule "B" to this Act, to be called respectively the first, second and third wards, which said several wards shall be respectively composed and bounded as in said schedule described,  and the council of the said town shall
10 consist of a mayor, who shall be the head thereof, a reeve, deputy reeve, and two councillors for each ward. 

-  **68.** Except as otherwise provided by this Act, the provisions of "The Municipal Act," and of all other general Acts **Acts respecting municipal institutions to apply.** respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of London East in the same manner as they would have been applicable had the said village of London East been erected into a town under the provisions of
15 the said Acts. 

- 69.** At the first election of mayor, reeve, deputy-reeve and councillors for the town of London East, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of **Qualification of electors and officers.** Ontario.
25

- 70.** The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, and not theretofore paid by the
30 said village, shall be borne by the said town and paid by it to any party that may be entitled thereto. **Expense of Act.**

- 71.** Should the corporation of the village of London East not exercise or avail itself of the powers conferred upon it by the provisions of this Act in regard to water-works, before the
35 twenty-sixth day of December next, then all the said provisions, rights, powers, duties and obligations shall extend to and be applicable to the said town of London East, and the same shall be read and construed as though the said town of London East were specially mentioned instead of the village of London
40 East, and the rights, privileges and duties thereby given to and imposed upon the reeve, or any officer of the said village, shall be and are given to and imposed upon the mayor or other officers of the said town of London East, respectively; and in the event of the submission of the by-law referred to in the forty-sixth
45 section hereof to the electors of the said town, every elector may vote in each ward of the said town in which he may have the necessary qualification. **Powers given to corporation of village to be transferred to town, if not exercised.**

SCHEDULE "A."

A by-law to provide for the issue of water-works debentures to the amount of \$ under the authority of "An Act

to authorize the village of London East to construct and maintain water-works, and to incorporate said village as a town."

Whereas, the said recited Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding dollars; and whereas a by-law authorizing the construction of water-works for the village of London East, by the authority of the said recited Act, has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of

Be it therefore enacted by the municipal council of the corporation of the village of London East as follows:—

1. It shall be lawful for the water commissioners of the village of London East to raise by way of loan from any person or body corporate who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of dollars, and to cause the same to be paid into the branch or agency office of the at the City of London, to be kept and applied in the manner provided in section forty-two of the said Act.

2. The reeve may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars, or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said village, and signed by the reeve and treasurer thereof.

3. The said debentures shall be made payable in years at furthest, from the date of the respective issue thereof, either in sterling money of Great Britain, or currency of this Province, or Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the day of in the year of our Lord one thousand eight hundred and eighty , and given under the corporate seal of the said municipality.

Clerk.

Reeve.

SCHEDULE " B."

First ward shall comprise all that part of the said town which is bounded as follows: Commencing at the south-west angle of lot formerly known as number twelve in concession "C" of the township of London, then easterly along the south boundary of said lot twelve, lot eleven and lot ten, in said concession "C," to the centre of the south boundary of said lot ten; then northerly along the eastern limit of said town to the south side of Florence street; then westerly along the south side of Florence, Campbell, and York streets to Adelaide street, then southerly along the east side of Adelaide street to the place of beginning.

Second ward shall comprise all that part of the said town which is bounded as follows: Commencing on the east side of Adelaide street at its junction with the north boundary of York street, then northerly along the east side of Adelaide street to the south side of Queen's Avenue, then easterly along the south side of Queen's Avenue to the west side of Quebec street, then southerly along the west side of Quebec street to the south side of Dundas street, then easterly along the south side of Dundas street to the eastern limit of the said town, then southerly along the eastern limit of said town to the north side of Florence street, then westerly along the north side of Florence, Campbell and York streets, to the place of beginning.

Third ward shall comprise all that part of the said town which is bounded as follows: Commencing on the north side of Queen's Avenue at its junction with Adelaide street, then easterly along the north side of Queen's Avenue to the east side of Quebec street, then southerly along the east side of Quebec street to the north side of Dundas street, then easterly along the north side of Dundas street, to the south east corner of "Abbott's Survey," then northerly along the eastern limit of "Abbott's Survey" to the north east angle thereof, then westerly along the northerly limit of said survey to the westerly limit of lot number ten in the first concession of the township of London, then northerly along the said last mentioned limit to the centre of the said first concession, then westerly along the centre of said concession to the south east angle of the north west quarter of lot number eleven in the said first concession, then northerly along the easterly limit of the said north west quarter of lot number eleven to the southerly limit of the road allowance, between the first and second concessions of the said township of London, then westerly along the said last mentioned road allowance to the easterly limit of Adelaide street, and then southerly along the said last mentioned limit to the place of beginning. 

BILL.

An Act to authorize the Village of London East to construct and maintain Water-Works, and to incorporate said Village as a Town.

(Reprinted as amended.)

First Reading, 26th January, 1881.

Second Reading, 7th February, 1881.

(PRIVATE BILL).

Mr. TOOLEY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Prince Edward County Railway Company.

WHEREAS, the Prince Edward County Railway Company Preamble.
have petitioned the Legislature for certain amendments to their Act of Incorporation, passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-three, and the several
5 Acts amending the said Act of Incorporation, passed in the thirty-seventh year of Her Majesty's reign, and chaptered sixty, in the forty-first year of Her Majesty's reign and chaptered fifty-one, and in the forty-third year of Her Majesty's reign, and chaptered sixty-one; and it is expedient to grant the prayer
10 of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said railway company to extend
15 their line of railway from any point on the said line within the town of Trenton, in the county of Hastings, or from the terminus of the said railway at its junction with the Grand Trunk Railway of Canada, at Trenton aforesaid, northerly, to, into or through the township of Marmora, in the said county of Has-
20 tings, and from the said township of Marmora to the village of Madoc, in said county; and it shall be lawful for the said railway company, and the said railway company shall have full power and authority to lay out, construct and complete a
25 double or single, iron railway, between the points aforesaid, with full power and authority to pass over any of the country between the points aforesaid and to carry the said railway through the crown lands lying between the points aforesaid, and over and across any rivers and streams, and other railways between the points aforesaid.

Extension of railway authorized from Trenton northwards.

2. It shall be lawful for the said railway company, to extend
30 their line of railway from or near its present eastern terminus, at the town of Picton, in the county of Prince Edward, to any point on the Grand Trunk Railway of Canada, between the Napanee River and the village of Shannonville, in the
35 said county of Hastings, or to any railway which now connects or which shall hereafter connect with the said Grand Trunk Railway of Canada, between the Napanee River and the said village of Shannonville; and it shall be lawful for the said railway company, and the said railway company shall
40 have full power and authority to lay out, construct and complete, a double or single railway between the points aforesaid, with full power and authority to pass over any of the country between the points aforesaid, and to carry the said railway

Extension of railway authorized from Picton to G. T. R., between Shannonville and the Napanee river.

through the crown lands, lying between the points aforesaid, and over and across any streams, rivers, bays and lakes, and other railways, between the points aforesaid.

Further extensions authorized.

3. It shall be lawful for the said Prince Edward County Railway Company, and the said railway company shall have 5 full power and authority to lay out and construct a double or single iron railway from any point on the line of the present Prince Edward County Railway, or from any point on either of the said extensions, to any point on Weller's Bay, and on the Bay of Quinte, or to any harbour or inlet of the said bay, 10 with full power and authority to pass over any of the country between the points aforesaid, and to carry the said railway through the crown lands between the points aforesaid.

Provisions of former Acts as to bonds to apply to extensions.

4. All the provisions of the said Acts now in force, providing for the issuing of bonds shall apply to the said extensions. 15

Increase of capital and issue of preferred stock authorized.

5. The said Prince Edward County Railway Company shall have full power to increase the capital stock of the said company, by a vote of the majority of the shareholders, to an amount not exceeding the sum of seven hundred and fifty thousand dollars, and to constitute such shares of the stock as 20 may be thought proper, preferred, or debenture shares, and to attach such privileges and conditions to said preferred or debenture shares, as may appear desirable.

BILL.

An Act respecting the Prince Edward County Railway Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. STRIKER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Prince Edward County Railway Company.

WHEREAS, the Prince Edward County Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation, passed in the thirty-sixth year of Her Majesty's reign chaptered seventy-three, and the several Acts amending the said Act of incorporation, passed in the thirty-seventh year of Her Majesty's reign, and chaptered sixty, in the forty-first year of Her Majesty's reign and chaptered fifty-one, and in the forty-third year of Her Majesty's reign, and chaptered sixty-one; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said railway company to extend their line of railway from any point on the said line within the town of Trenton, in the county of Hastings, or from the terminus of the said railway at its junction with the Grand Trunk Railway of Canada, at Trenton aforesaid, northerly, to, into or through the township of Marmora, in the said county of Hastings, and from *some point on the said extension* to the village of Madoc, in said county; and it shall be lawful for the said railway company, and the said railway company shall have full power and authority to lay out, construct and complete a double or single *track* railway, between the points aforesaid.

Extension of railway authorized from Trenton northwards.

2. It shall be lawful for the said Prince Edward County Railway Company, and the said railway company shall have full power and authority to lay out and construct a double or single *track* railway from any point on the line of the present Prince Edward County Railway, to any point on Weller's Bay, or on the Bay of Quinte, or to any harbour or inlet of the said bay.

Further extensions authorized.

3. The provisions of sections fifteen and sixteen of the Act to incorporate the said railway company, being chapter seventy-three of the Acts passed in the thirty-sixth year of Her Majesty's reign, as to the issue of bonds, shall apply to the extension of the road authorized by this Act, and the said company shall have authority to issue bonds covering the said extension to the extent of nine thousand dollars per mile upon compliance with the provisions, terms and conditions of the said sections, and the shareholders of the said company may, by vote of a majority thereof at any special or general meeting, divide the said railway

Power to issue bonds as a charge on different sections of the railway.

Power to build
elevators.

4. The said company shall, also, have power to construct, on the shore of the river Thames, near the said railway, such wharves, warehouses, elevators, or other works, as may be required for the uses of the said company.

Gauge.

5. The gauge of the said railway shall not be less than four 5 feet, eight and a half inches.

Form of conveyance.

6. Conveyances of land to the said company, for the purposes and powers of this Act, made in the form or to the effect set out in schedule "A" hereto annexed, shall be sufficient conveyance to the said company, their successors and assigns, of the 10 estate or interest and bar of dower of the persons executing the same respectively, and such conveyances shall be registered in such manner and upon such proof of execution as is required by the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering 15 the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

Provisional directors and their powers.

7. The persons named in the first section of this Act shall be, and are hereby, constituted provisional directors of the said company, and shall hold office as such until the first election of 20 directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereinafter provided, and with 25 all such powers as, under the Railway Act and any other law in force in Ontario, are vested in such boards.

Power to take land.

8. It shall and may be lawful for the said company to pass over any portions of the county between the points in the third section mentioned, and to take and appropriate for the 30 use of said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway.

Capital.

9. The capital of the company hereby incorporated shall be fifty thousand dollars (with power to increase the same in the 35 manner provided by the said Railway Act), to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such body, and the money so raised shall be applied, in the first place, for the payment of all expenses for procuring 40 the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act. 45

Grants by municipalities to preliminary expenses authorized.

10. The municipal corporation of the county of Kent, or the municipal corporation of the town of Chatham, or the municipal corporation of any municipality which may be affected by the said railway, may, by resolution passed by a majority of the said municipal corporation, authorize the 50 treasurer of such municipality to pay out of the general funds of such municipality a sum not exceeding two hundred dollars towards the preliminary expenses of said railway.

11. When and as soon as shares to the amount of twenty-five thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum thereof shall have been paid into one of the chartered banks of the Dominion, 5 in the town of Chatham, the provisional directors, or a majority of those present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least two weeks' notice in two newspapers published in the town of Chatham, of the 10 time, place and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall, before or at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said Company, in 15 manner and qualified as hereinafter mentioned, who, together with the *ex-officio* directors under this Act, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.

First election of directors.

12. The mayor of the town of Chatham, and the reeve of the township of Raleigh, shall be *ex-officio* directors of the company. 20

Ex-officio directors.

13. The sums so paid into the said banks in the town of Chatham, as provided by section eleven, shall not be withdrawn from the bank except for the purposes of this Act. 25

Application of moneys deposited in bank.

14. The directors for the time being, may, from time to time, make calls as they think fit: Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call. 30

Calls.

15. Thereafter the general meetings, and the special general meetings of the shareholders of the company, shall be held in such place, on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given as provided in section eleven. 35

General meetings.

16. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid; and at such election each shareholder shall be entitled to one vote for each share held by 40 him of such stock.

Qualification of directors.

17. At all meetings of the board of directors three shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director. 45

Quorum.

18. It shall be lawful for any municipality, or any portion of any municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway of the said company shall pass, or be situate, to aid and assist the said company, by giving money, land or material, by way of bonus to or in aid of the company, 50 or issuing municipal bonds to or in aid of the company, and otherwise, in such manner, and to such extent as such municipality shall think expedient: Provided, always, that when said

Aid by municipalities.

Proviso.

bonds or debentures are granted by a portion of a municipality, the bonds or debentures so granted shall be the bonds or debentures of the municipality.

Municipalities may authorize construction of railway on highways.

19. It shall be lawful for any municipality, though which the said railway passes, or in which it is situate, by by-law for that purpose, to empower the said company to make their road and lay their rails along any of the highways within such municipality. 5

Petitions for aid by municipalities.

20. In case thirty persons at least, rated on the last revised assessment roll of any municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality to aid in the construction of such railway, by giving a bonus to the said company, by procuring the right of way for the company, and providing material for the construction of such railway, both or either, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within four weeks after the receipt of such petition by the mayor or reeve of such municipality, introduce a by-law, and submit the same to the vote of the qualified voters of such municipality, and in case aid is desired from any portion of a municipality, if at least thirty persons who are qualified voters as aforesaid, in such portion of such municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, in the manner aforesaid, and stating the amount which they so desire to grant and be assessed for, the council of such municipality, shall within four weeks after the receipt of such petition by the mayor or reeve, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; 15 20 25 30

(1) For raising the amounts so petitioned for by such freeholders in such municipality or portion of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time, and on the terms specified in the said petition; 35

(2) For assessing and levying upon all the ratable property lying within the municipality or section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly. 40 45

Rate to be levied on portion of municipality.

21. In case any bonds be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portions only of the municipality. 50

Council to pass by-law;

22. In case such by-law be approved or carried by the majority of the votes given thereon, then within one week after the date of such voting, the said council shall read the said by-law a third time and pass the same.

23. Within two weeks after the passing of such by-law, the said council shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. And issue debentures.

24. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply.

25. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law for that purpose, to exempt the said company and its property, within such municipality, from municipal assessment or taxation for any term of years not exceeding twenty-one. Exemption from taxation

26. Whenever any municipality, or portion thereof, shall grant aid, by way of bonus or gift, to the said company, the debentures thereof shall, within two months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the councils of the township municipalities which have granted bonuses, and one by the said company, all of the said trustees to be residents of the county of Kent: Provided that, if the municipal council interested shall refuse or neglect to name a trustee within two weeks after notice in writing to them of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or other trustees; in the event of death, resignation or refusal to act of any trustee, the party who originally appointed such trustee may appoint a successor, and, in the event of such party failing, for two weeks after notice in writing, to make such appointment, the company may appoint such trustee. Trustees of debentures. Proviso.

27. The said trustees shall receive the said debentures in trust, and shall convert them into money, and deposit the amount realized from their sale in one of the chartered banks of the Dominion, in the town of Chatham, in the name of the Chatham and Charing Cross Railway Company Municipal Trust Account, and pay the same to the company on the certificate of the engineer of the company (in the form set out in schedule B to this Act), "that trains are running for the despatch of freight over the said railway from the town of Chatham to the Canada Southern Railway, in the township of Raleigh, at or near the village of Charing Cross," and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees, and no portion of said money shall be paid over to the company until freight is being carried over said railway from the town of Chatham to the Canada Southern Railway, when the whole amount of same shall be paid over. Trusts of debentures.

28. The act of any two such trustees shall be as valid and binding as if the three had agreed. Act of two trustees to be binding.

Power to issue preferential bonds.

29. The directors of the said company, after the sanction of the shareholders, or a majority thereof, shall have first been obtained, at any special general meeting, to be called from time to time, for such purpose, shall have power to issue bonds, not exceeding six thousand dollars per mile of said railway made, to be signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and real and personal property of the company as aforesaid: Provided that, in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same privileges and qualifications for directors and for voting as are attached to shareholders: Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by the holder thereof.

Proviso.

Proviso.

Bonds may be payable to bearer.

30. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Company may make promissory notes, etc.

31. The company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory notes or bills of exchange made or indorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and sealed with the official seal of the company, shall be binding on the said company; the president, vice-president, or the secretary shall not be individually responsible for the same: Provided, however, that nothing in this section shall be construed to authorize said company to issue any promissory note or bill of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Powers as to lands.

32. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations, or gravel-pits for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, or upon which the stations are to be built, or from which gravel is to be taken by said company for the purposes of said railway, or for other purposes, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing portions thereof only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient;

but the compulsory clauses of the Railway Act shall not apply to this section.

33. When stone, gravel, earth or sand, is or are required by said company for the construction or maintenance of said railway, or any part thereof, or for any other purpose, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway ; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid ; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to acquire quarries and gravel pits, etc.

34. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of the Railway Act and of the special Acts relating to said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years, or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway ;

Sidings to quarries and gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting railways, shall not apply.

35. The railway shall be commenced within one year and completed within three years after the passing of this Act.

Time of commencement and completion.

36. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Power to pledge bonds.

37. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the absolute sale to said company of their said railway, or for the leasing or working of the said railway, on such

Arrangements with other companies.

terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, 5 and generally to make an agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway, or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, 10 and any such agreement shall be valid and binding according to the contract terms thereof: Provided that the assent of at least two-thirds of the shareholders of this company shall be first obtained, at a special general meeting to be called for the purpose, according to the by-laws of the company and the pro- 15 visions of this Act; and the company or companies leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending 20 to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

If railway not completed in time limited land taken to revert to original owners.

38. Should the said railway not be sufficiently completed for the transportation of passengers and freight, from the town of Chatham to the line of the Canada Southern Railway Com- 25 pany, within the time specified in the thirty-fifth section of this Act, then, and in such case, the lands acquired by this company for the purposes of their railway, shall revert to the original owners thereof.

Extensions of railway within the county of Kent.

39. Whenever it shall be desirable for the said company to 30 extend their line of railway to any point in the said county of Kent, upon or near the shore of Lake Erie, all the provisions of the Railway Act, and of the special Acts relating to said company, except such as relate to filing plans and publication of notices, shall apply and may be used and exercised to obtain 35 the right of way, from the railway to such point on or near Lake Erie, and the powers in this and the preceding sections may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway. 40

Power to purchase land for yards, etc.

40. The company shall have full power to purchase land for yards, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Extension of time by municipalities.

41. In case the conditions upon which any municipality 45 grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations, as by the said council may be thought advisable.

Carriage of cordwood.

42. The said railway company shall, at all times, receive 50 and carry to the town of Chatham, cordwood, or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, and at a rate not exceeding four cents per mile per cord for green wood, in full car loads, and the company

shall furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway. Cordwood or wood cut for fuel before the first day of April in any year, shall be deemed for the purpose of this Act, dry wood, by the first of October following, and not before.

43. The company shall construct a switch, or siding, at a point about equidistant between the town of Chatham and the Canada Southern Railway, with sufficient yards and grounds for the piling and storing of cordwood and fuel, for the purpose of facilitating the traffic in cordwood and its transportation over their said railway to Chatham. Special provisions to be made for facilitating traffic in cordwood.

44. The said railway company shall, at all times, receive and carry into the town of Chatham, for the construction and repairs of the highways therein, gravel at reasonable rates for carriage, and shall furnish every facility necessary for the free and unrestrained traffic in the same to as large an extent as in the case of other freight carried over the said railway. Carriage of gravel.

45. All by-laws to be submitted to vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid. Bonuses not requiring a rate exceeding three cents on the dollar valid.

SCHEDULE "A."

Know all men by these presents that I (or we), [insert the name or names of the vendors] in consideration of dollars, paid to by the Chatham and Charing Cross Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and, in consideration of dollars paid to by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel of land [describe the land], the same having been selected and laid out for the purposes of the railway, to hold, with the appurtenances, unto the said Chatham and Charing Cross Railway Company, their successors and assigns, and wife of the said do hereby bar dower in the said lands.

As witness hand and seal this day of
one thousand, eight hundred and

Signed, sealed and delivered }
in the presence of }

SCHEDULE "B."

Engineer's Certificate.

I, _____ engineer for the
 Chatham and Charing Cross Railway Company, do certify
 that the said Company has fulfilled the terms and conditions
 necessary to be fulfilled under the By-law No. _____ of the
 _____ of _____ (or under section
 _____ chapter _____ of the Acts of the Legislature of
 Ontario, passed in the _____ year of Her Majesty's reign, or
 under the agreement dated the _____ day of _____
 between the corporation of _____ and the said
 Company), to entitle the said Company to receive from the
 said trust the sum of _____

No. 42.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to incorporate the Chatham and
 Charing Cross Railway Company.

First Reading, _____, 1881.

(PRIVATE BILL.)

Mr. ROBINSON, (*Kent*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Chatham and Charing
Cross Railway Company.

WHEREAS the construction of a railway from the town of Preamble.

Chatham, in the county of Kent, to or near the village
of Charing Cross, in said county, has become desirable for the
public convenience, and William McKeough, William J.
5 Howard, William Northwood, Henry Smyth, Stephen White,
Israel Evans, Jonas B. Jackson, S. M. Knapp, James N. Henry,
Daniel Wilson, the Hon. Joseph Northwood, William Ball, James
Lamont, Frederick Marsy, John McKeough, Kenneth Urqu-
hart, J. R. Gemmill, Charles Northwood, John B. Strinzer,
10 James Richardson, T. K. Holmes, John Peggall, Archibald
Lamont, and others, have petitioned that an Act may be passed
authorizing the construction thereof; and whereas it is ex-
pedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
15 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said William McKeough, William J. Howard, Wil- Incorporation.
liam Northwood, Henry Smyth and Stephen White, and such
other persons as shall, in pursuance of this Act, become share-
20 holders, are hereby constituted a body corporate and politic,
by the name of the "Chatham and Charing Cross Railway
Company."

2. The said company shall have full power and au- Location of
thority under this Act to construct a railway from any line.
25 point on the river Thames, within the limits of the town of
Chatham, in the county of Kent, to some point on the Canada
Southern Railway at or near the Charing Cross station of said
railway, in the township of Raleigh, in said county of Kent.

3. The said company shall, also, have power to construct Power to build
30 use on the shore of the river Thames, near the said railway, elevators.
such wharves, warehouses, elevators, or other works, as may be
required for the uses of the said company.

4. The gauge of the said railway shall be four feet, eight Gauge.
and a half inches.

5. Conveyances of land to the said company, for the purposes Form of con-
35 and powers of this Act, made in the form or to the effect set veyance.
out in schedule "A" hereto annexed, shall be sufficient convey-
ance to the said company, their successors and assigns, of the
estate or interest and bar of dower of the persons executing
40 the same respectively, and such conveyances shall be registered

in such manner and upon such proof of execution as is required by the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

5

Provisional
directors and
their powers.

6. The persons named in the first section of this Act shall be, and are hereby, constituted provisional directors of the said company, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereinafter provided, and with all such powers as, under the Railway Act and any other law in force in Ontario, are vested in such boards.

15

Power to take
land.

7. It shall and may be lawful for the said company to pass over any portions of the county between the points in the *second* section mentioned, and to take and appropriate for the use of said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway.

20

Capital.

8. The capital of the company hereby incorporated shall be *one hundred* thousand dollars (with power to increase the same in the manner provided by the said Railway Act), to be divided into *one thousand* shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such *company*, and the money so raised shall be applied, in the first place, for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

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First election
of directors.

9. When and as soon as shares to the amount of twenty-five thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum thereof shall have been paid into one of the chartered banks of the Dominion, *having an office* in the town of Chatham, the provisional directors, or a majority of those present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least *four weeks'* notice in the *Ontario Gazette* and in *one newspaper* published in the town of Chatham, of the time, place and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall, before or at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said Company, in manner and qualified as hereinafter mentioned, who, together with the *ex-officio* directors under this Act, shall constitute a board of directors, and shall hold office for one year, or until their successors are elected.

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Ex-officio
directors.

10. The mayor of the town of Chatham, and the reeve of the township of Raleigh, shall be *ex-officio* directors of the company.

11. The sums so paid into the said bank in the town of Chatham, as provided by section eleven, shall not be withdrawn from the bank except for the purposes of this Act.

Application of
moneys de-
posited in
bank.

12. The directors for the time being, may, from time to time, make calls as they think fit: Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section nine.

Calls.

13. Thereafter the general meetings, and the special general meetings of the shareholders of the company, shall be held in such place, on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given as provided in section nine.

General meet-
ings.

14. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid; and at such election each shareholder shall be entitled to one vote for each share held by him of such stock.

Qualification
of directors.

15. At all meetings of the board of directors three shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

Quorum.

16. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from mu-
nicipalities.

Proviso.

17. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Provisions as
to bonus
by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the sec-

tion by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

18. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

19. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for expenses.

20. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

21. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law, what to contain.

22. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township muni-

cipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment, of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the 5 respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

23. In case such by-law be approved and carried in accordance with the provisions of the law in that behalf, then within 10 four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

24. Within one month after the passing of such by-law, the said council and the warden, reeve, or other officers thereof 15 shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof. And issue debentures.

25. In case any debentures be so granted by a portion of a township municipality, the rate to be levied for the payment 20 of the said debentures, and the interest thereon, shall be assessed and levied upon such portion only of the municipality, but the debentures to be issued in the case of aid by a portion of a township municipality shall be the debentures of the municipality. Rate for bonus granted by portion of a municipality to be levied on such portion.

25 26. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply.

30 27. It shall be lawful for any municipality through which the said railway passes, or in which it is situate, by by-law for that purpose, to empower the said company to make their road and lay their rails along any of the highways within such municipality. Municipalities may authorize construction of railway on highways.

35 28. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, 40 either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not 45 exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein. Exemption from or agreement as to taxes.

29. Whenever any municipality, or portion of a township municipality shall grant aid, by way of bonus or gift, to the 50 railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant- Trustees of debentures.

Proviso.

Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of debentures.

30. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Chatham and Charing Cross Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the schedule "B" hereto or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees. Act of two trustees binding.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue preferential bonds.

32. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting, to be called from time to time, for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and real property of the company

as aforesaid: Provided however that the whole amount of ^{Proviso.} such issue of bonds shall not exceed ten thousand dollars per mile of the said railway: Provided further that in the event at ^{Proviso.} any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same privileges and qualifications for directors and for voting as are attached to shareholders: Provided further, that the bonds and ^{Proviso.} any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by the holder thereof.

33. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made ^{Bonds may be payable to bearer.} payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

34. The said company shall have power and authority to ^{Promissory notes, etc.} become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank. 

35. Whenever it shall be necessary, for the purpose of ^{Powers as to lands.} procuring sufficient lands for stations, or gravel-pits for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, or upon which the stations are to be built, or from which gravel is to be taken by said company for the purposes of said railway, or for other purposes, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing portions thereof only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

36. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with ^{Power to acquire quarries and gravel pits, etc.} the owner of the lands on which the same is situate for the

purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the *Railway Act of Ontario and of this Act*, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
quarries and
gravel pits.

37. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the *Railway Act of Ontario and of this Act*, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Time of com-
mencement
and com-
pletion.

38. The railway shall be commenced within *two* years, and completed within three years after the passing of this Act.

Power to
pledge bonds.

39. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangements
with other
companies.

40. The company incorporated by this Act may enter into any arrangement with any other railway company or companies *lawfully authorized in that behalf* for the absolute sale to said company of their said railway, or for the *building*, leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make an agreement or agreements with any other company *so lawfully authorized* touching the use by one or the other, or by both companies, of the railway, or rolling stock of either or both, or

any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof: Provided that the assent of at Proviso.

5 least two-thirds of the shareholders of this company shall be first obtained, at a special general meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway may
10 and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

15 41. Should the said railway not be sufficiently completed for the transportation of passengers and freight, from the town of Chatham to the line of the Canada Southern Railway Company, within the time specified in the thirty-eighth section of this Act, then, and in such case, the lands acquired by this
20 company for the purposes of their railway, shall revert to the original owners thereof. If railway not completed in time limited, land taken to revert to original owners.

42. The said company shall have the right on and after Snow fences. the first day of November in each year, to enter into and upon any lands of Her Majesty, or *into or upon any lands* of any
25 corporation or person *whatsoever*, lying along the route or line of *said* railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, Proviso.
30 that any such snow fences so erected shall be removed on or before the first day of April next following.

43. For the purpose of constructing, working and protect- Telegraph lines. ing the telegraph lines *to be* constructed by the company on their line of railway, the powers conferred upon telegraph
35 companies, by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

40 44.  It shall be lawful for the directors to enter into a contract or contracts, with any individual or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part,
45 either in cash or bonds or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.  Contracts for construction.

45 45. The company shall have full power to purchase land Power to purchase land for yards, etc. for yards, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Carriage of
cordwood.

46. The said railway company shall, at all times, receive and carry to the town of Chatham, cordwood, or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, and at a rate not exceeding four cents per mile per cord for green wood, in full car loads, and the company shall furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway. Cordwood or wood cut for fuel before the first day of April in any year, shall be deemed for the purpose of this Act, dry wood, by the first 10 of October following, and not before.

Special provisions to be made for facilitating traffic in cordwood.

47. The company shall construct a switch, or siding, at a point about equidistant between the town of Chatham and the Canada Southern Railway, with sufficient yards and grounds for the piling and storing of cordwood and fuel, for the purpose of facilitating the traffic in cordwood and its transportation over their said railway to Chatham. 15

Carriage of
gravel.

48. The said railway company shall, at all times, receive and carry into the town of Chatham, for the construction and repairs of the highways therein, gravel at reasonable rates for carriage, and shall furnish every facility necessary for the free and unrestrained traffic in the same to as large an extent as in the case of other freight carried over the said railway. 20

SCHEDULE "A."

(Section 5)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of _____ dollars paid to me (or us) by the Chatham and Charing Cross Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of any other parties*] in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the lands*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Chatham and Charing Cross Railway Company, their successors and assigns, [*here insert any other clauses, covenants, or conditions required*] and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this _____ day of _____ A.D. 18 _____.

Signed, sealed and delivered }
in presence of }

(L.S.)

SCHEDULE "B."

(Section 30)

Chief Engineer's Certificate.

The Chatham and Charing Cross Railway Company Office,
 Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the

Chatham and Charing Cross Railway Company Municipal Trust
 Account, given under section chapter of the
 Acts of the Legislature of Ontario, passed in the
 year of Her Majesty's reign.

I, A. B., Chief Engineer for the Chatham and Charing Cross
 Railway Company, do certify that the said company has fulfilled
 the terms and conditions necessary to be fulfilled under the
 by-law No. of the Township of (or under the
 agreement dated the day of between
 the Corporation of and the said company) to entitle
 the said company to receive from the said trust the sum of
 (here set out the terms and conditions, if any,
 which have been fulfilled). 

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to incorporate the Chatham and
Charing Cross Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.
Second " 21st February, 1881.

(PRIVATE BILL.)

Mr. ROBINSON (*Kent*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Credit Valley Railway Aid Company.

WHEREAS Edmund Boyd Osler, William James Baines, Preamble.

Henry Pellatt, James Burns and Peter D. Conger have petitioned the Legislature of the Province of Ontario for an Act of incorporation to construct a railway from some point
5 on the present line of the Credit Valley Railway, in or near the town of Ingersoll, to a point on the line of the Canada Southern Railway, in or near the town of St. Thomas; and whereas it is expedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said parties above mentioned, together with such Incorporation.
persons and corporations as shall become shareholders in the
15 said company hereby incorporated are hereby declared and constituted a body corporate and politic, by and under the name of the "Credit Valley Railway Aid Company."

2. The said company hereby incorporated, and their agents Location of line.
or servants, shall have full power under this Act to lay out,
20 construct and finish a single and double iron railway from some point on the line of the Credit Valley Railway, in or near the town of Ingersoll, to some point on the line of the Canada Southern Railway, in or near the town of St. Thomas, with full power and authority to pass over any part of the country
25 between the points aforesaid.

3. The several clauses of the "Railway Act" of Ontario Certain clauses of the Railway Act to apply.
and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls,"
30 "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.,"
"working of the railway," and "general provisions," shall be
35 deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and the expression "this Act," when used, shall be understood to include the clauses of the said Railway Act so incorporated with this
40 Act as aforesaid.

4. The gauge of the said railway shall not be less than four Gauge.
feet eight and a half inches.

Conveyances,
how made and
registered.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule "A") hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. 5

Provisional
directors.

6. From and after the passing of this Act the said Edmund 10
Boyd Osler, William James Baines, Henry Pellatt, John Burns and Peter D. Conger shall be the provisional directors of the said company.

Powers of pro-
visional
directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of 15
directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed, shall become and be provisional directors of the company equally with themselves; to open stock-books and to procure subscrip- 20
tions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the "Railway Act" are vested in such boards. 25

Authority to
appropriate
lands.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the second section mentioned, and to carry the said railway through the Crown lands lying between the points aforesaid, and to take and appropriate for the use of the said railway and the 30
works connected therewith, so much of the land as may be necessary for the works of the said railway.

Capital stock.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the said Railway Act, to be divided 35
into two thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and 40
estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

First election
of directors.

10. When and as soon as shares to the amount of twenty- 45
five thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a meeting of the sub- 50
scribers for the purpose of electing directors, giving at least three weeks' notice in two newspapers, one published in the county of Oxford and one in the county of Elgin, and in the *Ontario Gazette*, of the time, place and object of such meeting,

and at such general meeting the shareholders present, either in person or by proxy, and who shall, before or at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who, together with *ex-officio* directors, under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Tuesday of June in the year following their election.

- 10 11. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act. Withdrawing
moneys from
bank.

12. The directors for the time being may from time to time make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, by notice published in one newspaper in each of the counties of Oxford and Elgin and in the *Ontario Gazette*. Calls.

13. Thereafter the general annual meeting of the shareholders of the company shall be held in such place on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least three weeks previously in the *Ontario Gazette* and one newspaper in each of the said counties of Oxford and Elgin. General annual
meetings.

14. Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general
meetings.

15. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder, and owner of at least ten shares of the stock of the said company, upon which all calls have been paid up. Qualification of
directors.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Aliens.

17. At all meetings of the board of directors, five shall form a quorum for transaction of business; and the said board of directors may employ one of their number as paid director. Quorum.

Paid director.

18. And it shall further be lawful for any municipality or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company, by loaning or guaranteeing, or giving money by way of bonus, or other means to the company, or issuing municipal bonds to, or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or Aid from mu-
nicipalities.

Proviso.

4

debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. 5

Petitions for aid from county municipalities.

19. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act. 10

Petitions for aid from other than county municipalities

20. In case fifty persons, at least, rated on the last revised assessment roll of any municipality, other than a county municipality, as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is derived from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of the said municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality; 15 20 25 30 35

(1) For raising the amount so petitioned for by such freeholders, for such portion of the municipality, by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition; 40

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly. 45

If by-law carried council to pass same;

21. In case such by-law be approved or carried by a majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same. 50

And issue debentures therefor.

22. Within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures 55

tures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

23. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures 5 issued therefor, and the interest thereon shall be assessed and levied upon such portion, only, of the municipality.

Rate to be levied only on portion of municipality granting bonus.

24. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same 10 extent as if the same had been passed by or for the whole municipality.

Application of Municipal Act.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than 15 three cents on the dollar of the ratable property affected thereby, shall be valid.

Rate in municipalities not to exceed three cents on the dollar.

26. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for 20 that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal 25 rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exemption from taxation.

27. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to 30 the said company, the debentures thereof shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipality which have 35 granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in 40 the event of the death, resignation or inability, or refusal to act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and, in the event of such party failing, for two weeks after notice in writing, to make such 45 appointment, the company may appoint such trustee.

Trustees for debentures.

28. The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in 50 the name of the "Credit Valley Railway Aid Company Municipal Trust Account," and to pay the same unto the company from time to time, on the certificate of the chief engineer of the said company, in the form set out in schedule "B" hereto,

Trusts upon which the debentures are to be held.

or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees. 5

The act of two trustees valid.

29. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue preferential bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of fifteen thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided even further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. 40

Limit to bonds.

Rights of unpaid bondholders.

Bonds, etc., how payable.

31. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer or transferable by delivery, and any holder of any such bonds, debentures, or other securities so made payable to bearer, may sue at law thereon in his own name. 45

Power to become parties to notes, etc.

32. The said company shall have power and authority to become parties to promissory notes or bills of exchange, and any such promissory note made or indorsed, or any such bill of exchange drawn, accepted or indorsed by the president or vice-president of the company, and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company 55

affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of banks.

10 **33.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel-pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a
15 more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or any part thereof, from time to time, as they may
20 deem expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Power to acquire whole lots, though less would suffice.

34. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree
25 with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall
30 have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to
35 sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for
40 the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction of railway.

35. When said gravel, stone, earth or sand shall be taken
45 under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to
50 said company's Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be
55 so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the pre-

Sidings to gravel pits, sand pits, etc.

ceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection eight of chapter twenty of the Act respecting railways shall not apply. 5

Limit of time
to commence
and complete.

36. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Power to
pledge bonds.

37. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway or otherwise. 10

Arrangements
with other
companies.

38. The company incorporated by this Act, may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer right or powers upon any company which is not within the legislative authority of this Province. 15 20 25 30 35

Proviso.

Powers hereby
conferred to be
in lieu of
powers given
to Credit Val-
ley railway.

39. The powers hereby offered and granted to this company are in lieu and substitution of the powers to construct a railway between said points given to the Credit Valley Railway Company, and all bonuses and municipal or Government aid granted to the Credit Valley Railway Company for the purposes of such construction are hereby vested in and declared to be the property of the Credit Valley Railway Aid Company: Provided that in case the Credit Valley Railway Company so far adjust their affairs that the same are taken out of the receiver's hands, and the said last mentioned company are thereby enabled to proceed with the work hereby authorized under their said charter, the powers hereby given shall be annulled, and the said bonuses and other aid shall be re-vested in the said Credit Valley Railway Company: Provided that the Credit Valley Railway Company shall first pay to the Credit Valley Aid Company all expenses which they may have incurred in incorporating, organizing and carrying on the 40 45 50 55

works hereby contemplated, with interest at the rate of per centum per annum on all moneys expended by them; and all debts and obligations incurred by the said Aid Company shall be assumed and paid by the Credit Valley Railway Company, and they shall also assume and pay all bonds which may be issued under the authority of this Act. The railway hereby authorized to be constructed shall be operated and worked in connection with the Credit Valley Railway, upon such terms as may be agreed upon between the said companies; in case of disagreement such terms to be fixed by an Order in Council.

SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Credit Valley Railway Aid Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of the railway, to hold, with the appurtenances, unto the said Credit Valley Railway Aid Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required*] and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and eighty

Signed, sealed and delivered }
in presence of }

SCHEDULE "B."

Chief Engineer's Certificate.

The Credit Valley Railway Aid Company's Office, Engineer's Department No. A. D. 188 ,

Certificate to be attached to Cheques drawn on the Credit Valley Railway Aid Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the Credit Valley Railway Aid Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*].

BILL.

An Act to incorporate the Credit Valley
Railway Aid Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. YOUNG.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

BILL.

[1881.

An Act to authorize the Corporation of the City of London to sell certain lands.

WHEREAS the municipal council of the corporation of the city of London have, by their petition, represented that the lands hereinafter mentioned were purchased, by the said corporation, from the Government of Canada, and were, with other lands, by letters patent, under the great seal of the Dominion of Canada, bearing date the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-nine, granted to the said corporation, to hold unto the said corporation for the following purposes, that is to say: the two and one-half acres at the east end of the block, parcel or tract of land therein and hereinafter mentioned, next to Waterloo street, for the purpose of a high school, and the remainder of the said block, parcel or tract of land, containing three acres, two roods and eleven perches, more or less, for the purposes of a normal school: that the provision contained in the said letters patent as to the said three acres, two roods and eleven perches, was inserted therein at the request of the said municipal council for the purpose of enabling them, in the event of there being, (as at the time the said purchase was made, was believed to be contemplated,) a Provincial Normal School, established and erected at the said city of London, to provide a suitable site therefor: that the said contemplated object cannot be carried out, and that the said municipal council are desirous of obtaining authority to sell the said lands and to apply the proceeds of the sale thereof in constructing sewers, or for such sanitary or other purposes as the said municipal council may deem expedient, and have prayed that an Act may be passed to enable them so to do, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said municipal council is hereby authorized and empowered to sell, absolutely dispose of, and convey the said block, tract, or parcel of land, which is described in the said letters patent, as "that certain parcel or tract of land, of an oblong figure, formerly occupied by the Royal Artillery Barracks, Commissariat, and other buildings, bounded north-westerly by Bond street, produced, south-easterly by Duke street, to the south-west by Wellington street, and north-easterly by Waterloo street, containing, by admeasurement, six acres and eleven perches, more or less," and which may be better described and known as that block of land, in the said city of London, bounded on the north by Bond street, on the east by Waterloo

Preamble.

Sale of land authorized.

street, on the south by Dufferin avenue, formerly called Duke street, and on the west by Wellington street, excepting the easterly two and one-half acres thereof, freed and discharged from the trust created by the said letters patent, and from all claims and rights whatsoever of Her Majesty and her successors, and to apply the proceeds of the sale of the said lands in constructing sewers in the said city of London, or for such sanitary or other purposes of the said city of London as the said municipal council may deem expedient.

Application of
proceeds of
sale.

Purchasers not
bound to see to
application of
purchase
money.

Terms on
which land
may be sold.

2. The purchasers of the said lands shall not be bound to 10
see to the application of their purchase money.

3. The said lands may be sold either for cash or on credit, or partly for cash and partly on credit, and mortgages on real estate may be taken by and in the name of the said corporation to secure the unpaid purchase money. 15

No. 464

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Corporation of the
City of London to sell certain lands.

First Reading,
, 1881.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Corporation of the City of
London to sell certain lands.

WHEREAS the municipal council of the corporation of the city of London have, by their petition, represented that the lands hereinafter mentioned were purchased by the said corporation from the Government of Canada, and were, with other lands, by letters patent, under the great seal of the Dominion of Canada, bearing date the twenty-second day of April, in the year of our Lord one thousand eight hundred and seventy-nine, granted to the said corporation, to hold unto the said corporation for the following purposes, that is to say: the two and one-half acres at the east end of the block, parcel or tract of land therein and hereinafter mentioned, next to Waterloo street, for the purpose of a high school, and the remainder of the said block, parcel or tract of land, containing three acres, two roods and eleven perches, more or less, for the purposes of a normal school: that the provision contained in the said letters patent as to the said three acres, two roods and eleven perches, was inserted therein at the request of the said municipal council for the purpose of enabling them, in the event of there being, (as at the time the said purchase was made, was believed to be contemplated,) a Provincial Normal School, established and erected at the said city of London, to provide a suitable site therefor: that the said contemplated object cannot be carried out, and that the said municipal council are desirous of obtaining authority to sell the said lands and to apply the proceeds of the sale thereof in constructing sewers, or for such sanitary or other purposes as the said municipal council may deem expedient, and have prayed that an Act may be passed to enable them so to do, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *So far as the Legislature of Ontario has authority so to enact, the said corporation of the City of London is hereby* Sale of land authorized.
authorized and empowered to sell, absolutely dispose of, and convey the said block, tract, or parcel of land, which is described in the said letters patent, as "that certain parcel or tract of land, of an oblong figure, formerly occupied by the Royal Artillery Barracks, Commissariat, and other buildings, bounded north-westerly by Bond street produced, south-easterly by Duke street, to the south-west by Wellington street, and north-easterly by Waterloo street, containing by admeasurement six acres and eleven perches, more or less," and which may be better described and known as that block of land in the said city of London,

bounded on the north by Bond street, on the east by Waterloo street, on the south by Dufferin avenue, formerly called Duke street, and on the west by Wellington street, excepting the easterly two and one-half acres thereof, freed and discharged from the trust created by the said letters patent, and *so far as the same is within the legislative authority of the Legislature of Ontario*, from all claims and rights whatsoever of Her Majesty and her successors, and to apply the proceeds of the sale of the said lands in constructing sewers in the said city of London, or for such sanitary or other purposes of the said city of London as the said municipal council may deem expedient.

Application of
proceeds of
sale.

Purchasers not
bound to see to
application of
purchase
money.
Terms on
which land
may be sold.

2. The purchasers of the said lands shall not be bound to see to the application of their purchase money.

3. The said lands may be sold either for cash or on credit, or partly for cash and partly on credit, and mortgages on real estate may be taken by and in the name of the said corporation to secure the unpaid purchase money.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to authorize the Corporation of the City of London to sell certain lands.

(Reprinted as amended.)

First Reading, 27th January, 1881.

Second Reading, 9th February, 1881.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:

PRINTED BY G. BLACKETT ROBINSON.

An Act to amend the Acts respecting the Trent Valley Railway Company.

WHEREAS the Trent Valley Railway Company have Preamble.
 prayed for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, and
 5 amended by an Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, and further amended by an Act passed in the forty-third year of the reign of Her Majesty Queen Victoria, and chaptered sixty-nine, and it is expedient to grant the prayer of their
 10 petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section nine of the said Act of incorporation is hereby 35 Vic., c. 76, a
 15 amended, by striking out the words "eighty-thousand dollars" 9, amended.
 in the second line of said section, and substituting therefor the words "two hundred thousand dollars"; and, also, by striking out the words "eight hundred" in the fourth line of said section, and substituting therefor the words "two thousand."

20 2. The words "village of Trenton," wheresoever the same
 may occur in said Act of incorporation, and in said amendments thereto, are hereby struck out, and the words "town of Trenton" inserted and substituted therefor.

Words "town of Trenton" substituted for "village of Trenton" in Acts relating to railway.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to amend the Acts respecting the
Trent Valley Railway Company.

First Reading, , 1881.

(*PRIVATE BILL*.)

Mr. STRIKER.

TORONTO:

PRINTED BY C. BLAGETT ROBINSON.

An Act to amend the Acts respecting the Trent Valley Railway Company.

WHEREAS the Trent Valley Railway Company have Preamble.
 prayed for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, and
 5 amended by an Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, and further amended by an Act passed in the forty-third year of the reign of Her Majesty Queen Victoria, and chaptered sixty-nine; ~~and~~ and, whereas, there was deposited in the
 10 Canadian Bank of Commerce, at Belleville, five thousand dollars on account of subscriptions for shares in the capital stock of the said company, and the money, with accrued interest thereon, is still on deposit in said bank to the credit of the said company; and, whereas, E. O. Bickford, esquire, claims to
 15 be the holder of forty-five shares of the said capital stock and to have some claim upon five other shares of the said capital stock, and it has been agreed between the said Bickford and the provisional directors of the said company, that the said Bickford shall assign the said forty-five shares, and all his
 20 claim upon the said five shares to Henry W. Day, esquire, mayor of the town of Trenton, in trust, on receiving five thousand dollars out of the moneys so on deposit in the said Canadian Bank of Commerce, and it is expedient to confirm the said agreement and give the necessary power to carry out
 25 the same; ~~and~~ and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts at follows:—

- 30 1. The words "village of Trenton," wheresoever the same may occur in said Act of incorporation, and in said amendments thereto, are hereby struck out, and the words "town of Trenton" inserted and substituted therefor.
2. ~~and~~ The provisional directors of the said company (or
 35 a quorum of not less than four) may, by resolution, authorize the Canadian Bank of Commerce to pay, and the said bank shall thereupon pay to E. O. Bickford, esquire, out of the moneys on deposit in the said bank at Belleville, to the credit of the said company, five thousand dollars, on his depositing
 40 with them a valid assignment to Henry W. Day, esquire, mayor of Trenton, in trust, of forty-five shares in the capital stock of the said company, and of all the right, claim, and interest of the said Bickford, in and to any other shares in said capital stock, with the necessary proof of his title to said forty-
 45 five shares, and after such assignment has been so executed and
- Words "town of Trenton" substituted for "village of Trenton" in Acts relating to railway.
 Terms on which certain moneys to be paid to E. O. Bickford.

delivered, neither the said E. O. Bickford, or the said Henry W. Day, shall be liable for any calls in respect of the said stock so assigned in trust.

Payment to
creditors of
company.

3. The balance of the moneys in the said Canadian Bank of Commerce to the credit of the said company, shall be distributed by the said provisional directors (or a quorum of not less than four) ratably among such creditors of the company as shall, within three months after the passing of this Act, have proved their claims as creditors of the said company to the satisfaction of the judge of the county court of the county of Prince Edward, who is hereby authorized finally to adjudicate upon all such claims and report to the said provisional directors the amount of each such proved claim, notwithstanding that no suit may be pending in respect thereof; and the said provisional directors (or a quorum of four) may, by resolution, withdraw the said moneys from the said bank for the purpose aforesaid, and upon such payment the said bank shall cease to be liable to any person in respect of the said deposit, or the accrued interest thereon, or any deposit receipt or other voucher given in respect thereof. 

BILL.

An Act to amend the Acts respecting the
Trent Valley Railway Company.

(Reprinted as amended).

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. STRIKER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Debt of the County of Lennox and Addington, and to enable the said County to consolidate the same.

WHEREAS, the corporation of the County of Lennox and Addington, have at various times passed certain by-laws

Preamble

authorizing the issue of debentures, and have issued under such by-laws, debentures creating debts to the amount of one hundred and sixty thousand dollars, which said debentures are all now outstanding, and will fall due at various times, and no sinking fund has been provided for redeeming the said outstanding debentures, or paying the said debts; and whereas the said corporation of the County of Lennox and Addington have petitioned to be authorized to consolidate the said debts of one hundred and sixty thousand dollars, and to discharge the said indebtedness, by the issue of new debentures to that amount; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the County of Lennox and Addington, are hereby consolidated at the sum of one hundred and sixty thousand dollars, and it shall and may be lawful to and for the said corporation of the county of Lennox and Addington, to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding one hundred and sixty thousand dollars of the lawful money of Canada.

Debts consolidated at the sum of \$160,000.

Power to borrow.

2. It shall and may be lawful for the said corporation of the county of Lennox and Addington, to pass a by-law or by-laws, without observing the formalities required under the Municipal Acts in force in this Province, in such cases, authorizing the said loan of one hundred and sixty thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due payment of the principal when the same shall fall due, of the said debentures last mentioned.

Authority to pass by-law for new debentures.

Debentures
may be issued
to the amount
of \$160,000.

3. It shall and may be lawful for the municipal council of the said corporation of the county of Lennox and Addington, after the passing of such by-law or by-laws, authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed 5 by the warden and countersigned by the treasurer and clerk of the said county, for the time being, for such sums not exceeding in the whole the said sum of one hundred and sixty thousand dollars, as the said council shall direct and appoint, bearing interest at six per centum per annum, payable half- 10 yearly.

Debentures,
when and how
payable.

4. The debentures to be issued under the preceding section of this Act shall be made payable at such time or times, not exceeding thirty years from and after the date thereof, and shall be for such sum or sums, either in sterling or currency, 15 not less than one hundred dollars each, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable, either in this Province, in Great Britain or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient. 20

Application of
proceeds.

5. The funds derived from the negotiation and sale of the said debentures, shall be applied in and to the payment of the said debts of one hundred and sixty thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at Napa- 25 nee or elsewhere in this Province, or invested in government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council, and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same 30 may be required from time to time for the payment and redemption of the said outstanding debenture debt, or any part thereof.

Outstanding
debentures
may be called
in.

6. The treasurer of the said county shall, on receiving instructions from the said council, so to do, from time to time, 35 with the consent of the holders, call in any of the said outstanding debentures, and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent substitute therefor, the said debentures, or any of them above au- 40 thorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the holders thereof.

By-law not to
be repealed un-
til debt
satisfied.

7. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, au- 45 thorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Investment of
sinking fund.

8. The said municipal council shall, and it shall be the duty of the treasurer of the said county for the time being, to invest from time to time, all moneys raised by the special rate pro- 50 vided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the said debentures, to be issued in pursuance of this Act for the then

current year, in either the bank or government securities mentioned in the fifth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn
 5 therefrom as the same may be required from time to time for the payment and redemption of the said last-mentioned debentures, or the said outstanding debentures, or any part thereof, and to apply the residue of such moneys from time to time, to
 10 otherwise, nor for any other purpose whatever.

Payment of interest.

9. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said
 15 corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said
 20 corporation for the recovery of the amount of the said debentures and interest, on any or either of them or any part thereof.

Inconsistent provisions of Municipal Acts not to apply.

Irregularity not to render by-law or debentures invalid.

10. Nothing in this Act contained, shall be held or taken to discharge the corporation of the county of Lennox and Addington from any indebtedness or liability which may not be included in the said debt of one hundred and sixty thousand
 25 dollars.

Liability of corporation not discharged.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Debt of the County of Lennox and Addington, and to enable the said County to consolidate the same.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. DEROCHE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Debt of the County of Lennox and Addington, and to enable the said County to consolidate the same.

WHEREAS, the corporation of the county of Lennox and Addington, have at various times passed certain by-laws authorizing the issue of debentures, and have issued under such by-laws, debentures creating debts to the amount of one hundred and sixty thousand dollars, which said debentures are all now outstanding, and will fall due at various times, and *funds have not* been provided for redeeming the said outstanding debentures, or paying the said debts; and whereas the said corporation of the county of Lennox and Addington have petitioned to be authorized to consolidate the said debts of one hundred and sixty thousand dollars, and to discharge the said indebtedness, by the issue of new debentures to that amount; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said *debenture* debts of the corporation of the county of Lennox and Addington, are hereby consolidated at the sum of one hundred and sixty thousand dollars, and it shall and may be lawful to and for the said corporation of the county of Lennox and Addington, to raise by way of loan upon the credit of the debentures hereinafter mentioned, *and by this Act authorized to be issued*, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding one hundred and sixty thousand dollars of the lawful money of Canada.

2. It shall and may be lawful for the said corporation of the county of Lennox and Addington, to pass a by-law or by-laws, authorizing the said loan of one hundred and sixty thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Preamble.

Debts consolidated at the sum of \$160,000.

Authority to pass by-law for new debentures.

Assent of electors to by-law not required.

 3. It shall not be necessary to obtain the assent of the electors of the said county to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by "The Municipal Act." 

Debentures may be issued to the amount of \$160,000.

4. It shall and may be lawful for the municipal council of the said corporation of the county of Lennox and Addington, after the passing of such by-law or by-laws, authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the warden and countersigned by the treasurer and clerk of the said county, for the time being, for such sums not exceeding in the whole the said sum of one hundred and sixty thousand dollars, as the said council shall direct and appoint, bearing interest *at a rate not to exceed* six per centum per annum, payable half-yearly. 5 10 15

Debentures, when and how payable.

5. The *principal sum to be secured by the* debentures to be issued under the preceding sections of this Act shall be payable either in sterling or currency, and *the same with the interest accruing thereon*, may be made payable either in this Province, in Great Britain or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient;  and a portion of the said debentures issued under any such by-law shall be made payable in each year for thirty years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.  20 25

Application of proceeds.

6. The funds derived from the negotiation and sale of the said debentures, shall be applied in and to the payment of the said debts of one hundred and sixty thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at Nanaimo or elsewhere in this Province, or invested in government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt, or any part thereof, *and not otherwise*. 30 35 40

Outstanding debentures may be called in.

7. The treasurer of the said county shall, on receiving instructions from the said council, so to do, from time to time, *but only* with the consent of the holders *thereof*, call in any of the said outstanding debentures, and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent substitute therefor, the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the *said* holders of *said outstanding debentures*. 45 50

By-law not to be repealed until debt satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created un-

der such by-law, and the interest thereon shall be paid and satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said county for the time being, to invest Investment of sinking fund.
 5 from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the said debentures, to be issued in pursuance of this Act for the then
 10 current year, in either the bank or government securities mentioned in the *sixth* section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time
 15 to time for the payment and redemption of the said last-mentioned debentures, or the said outstanding debentures, or any part thereof, and to apply the residue of such moneys from time to time, to the payment of the interest on the said debentures and not otherwise, nor for any other purpose what- Payment of interest.
 20 ever.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation Inconsistent provisions of Municipal Acts not to apply.
 25 under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation Irregularity not to render by-law or debentures invalid.
 30 for the recovery of the amount of the said debentures and interest, on any or either of them or any part thereof.

11. Nothing in this Act contained, shall be held or taken to discharge the corporation of the county of Lennox and Addington from any indebtedness or liability which may not be included in the said debt of one hundred and sixty thousand Liability of corporation not discharged
 35 dollars.

BILL.

An Act respecting the Debt of the County of Lennox and Addington, and to enable the said County to consolidate the same.

(Reprinted as amended.)

First Reading, 26th January, 1881. °

(PRIVATE BILL.)

Mr. DEROCHE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to vest certain lands in the Town of Woodstock in Trustees, and to authorize a sale of the same.

WHEREAS lots numbers two and three, on the east side of Preamble.
Graham street in the town of Woodstock, were by letters patent, bearing date the twelfth day of June, in the year of our Lord one thousand eight hundred and fifty-four, granted
5 to certain trustees therein named, in trust for the benefit of the Presbyterian congregation of Woodstock, in connection with the Church of Scotland; and whereas an Act of the Parliament of the Province of Canada was passed in the thirtieth year of the reign
10 of Her Majesty Queen Victoria, intituled "An Act to authorize the trustees of the Presbyterian congregation of the town of Woodstock, in connection with the Church of Scotland, to sell certain lots in the said town held by them in trust for the said congregation," and under and by virtue of said Act, a certain
15 portion of said lot number two, on the east side of Graham street, was sold and conveyed to one Caleb Caister, by deed, dated the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and sixty-six, which piece of land so conveyed to the said Caleb Caister, is described as follows:
20 Commencing at the south-west angle of lot number two, then northerly along the western boundary of the said lot fifty feet, then easterly parallel with the southern boundary of the same lot two hundred and thirteen feet (more or less) to the eastern boundary thereof, then southerly along the said eastern boundary fifty feet to the south-east corner of said lot, then westerly
25 along the southern boundary of the same lot two hundred and thirteen feet (more or less) to the place of beginning; and whereas, by deed dated the twelfth day of June, in the year of our Lord one thousand eight hundred and seventy-five, the then trustees of the said Presbyterian congregation of the town
30 of Woodstock, in connection with the Church of Scotland, conveyed all that portion of said lot number two on the east side of Graham street, not sold to the said Caleb Caister, and all of lot number three to the trustees of Chalmer's church in the Town of Woodstock, for the nominal consideration of one
35 dollar, for the purpose of erecting a church thereon for the use of the congregation of said Chalmer's church; and whereas the said congregation of Chalmer's church in the town of Woodstock, have decided not to erect a church on the said lands so conveyed to them, as hereinbefore mentioned, for that purpose,
40 and the said congregation is desirous that the said lands should be vested in the persons hereinafter named, upon and for the purposes hereinafter declared; and whereas the members of the said Presbyterian congregation of the town of Woodstock, in connection with the Church of Scotland, have joined the
45 said Chalmer's church and Knox church in said town of Wood-

stock, and the St. Andrew's church congregation on the west quarter town line of the township of East Oxford, and the said Presbyterian congregation, of the town of Woodstock, in connection with the Church of Scotland, no longer exists as a congregation, and it is expedient that the said lands should be so vested in trustees and the same sold and the proceeds divided as hereinafter provided;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

10

Lands vested
in trustees.

1. Lot number three and that portion of lot number two, on the east side of Graham street, in the town of Woodstock, not sold to Caleb Caister, are hereby vested in William Pott, of the town of Woodstock, in the county of Oxford, merchant, William A. Reid of the same place, merchant, and Robert Chambers, of the township of East Oxford, in the county of Oxford, farmer 15

Trustees em-
powered to sell
land.

2. The said William Pott, William A. Reid and Robert Chambers, and the survivors of them, shall have full power and authority to sell the said parcels of land composed of, said lot number two and that portion of lot number three on the east side of Graham street, not heretofore conveyed to the said Caleb Caister, either in one or more parcels, to such person or persons, party or parties as may be willing to become the purchaser or purchasers thereof, and that in such manner, whether by public sale or private contract, or partly by the one way and partly by the other, and at such times and at such price or prices, and on such terms of payment and security as to them or a majority of them may seem best, and by a good and sufficient title or titles under their hands and seals to convey the same when so sold to the purchaser or purchasers thereof, in trust, to apply the proceeds of such sale or sales, and the sale or sales of such securities as may be taken by them as aforesaid, as follows :— 20 25 30

Application of
proceeds.

First. To pay all necessary costs and expenses connected with the trust hereby created, and the sale and disposal of the said lands, and also to pay the congregations of Knox church and Chalmer's church, at Woodstock aforesaid, all costs and expenses incurred by them in connection with said property. 35

Second. If the said parcels of land shall produce only the sum of three thousand dollars, or any less sum, after paying the expenses connected with the trusts hereby created, and the sale and disposal of the lands hereinbefore mentioned, and the costs and expenses of the congregations of Knox church and Chalmer's church, in connection with said property, they are to divide the same equally between the Presbyterian congregations of Chalmer's church and Knox church, Woodstock, and St. Andrew's church on the west quarter town line of the township of East Oxford; but if the said lands shall produce a greater sum than three thousand dollars, after payment of all costs and expenses as aforesaid, then to pay all amounts over the said sum of three thousand dollars equally between the congregations of Chalmer's and Knox churches, of Woodstock. 40 45 50

Payments to
treasurers of
the several
congregations
by trustees a
sufficient dis-
charge.

Third. It is hereby declared that moneys received for the said lands may by the said trustees be paid over to the treasurers of the said respective congregations for the use of the said several congregations of Chalmer's church, Knox church and St. Andrew's church above mentioned, and that the receipts of the said several treasurers of the said respective churches shall be a sufficient discharge to the said trustees. 55

BILL.

An Act to vest certain lands in the Town of Woodstock in Trustees, and to authorize a sale of the same.

First Reading, , 1881.

(PRIVATE BILL.)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to vest certain lands in the Town of Woodstock in Trustees, and to authorize a sale of the same.

WHEREAS lots numbers two and three, on the east side of Preamble.
Graham street in the town of Woodstock, were by letters patent, bearing date the twelfth day of June, in the year of our Lord one thousand eight hundred and fifty-four, granted
5 to certain trustees therein named, in trust for the benefit of the Presbyterian congregation of Woodstock, in connection with the Church of Scotland; and whereas an Act of the Parliament of the Province of Canada was passed in the thirtieth year of the reign of Her Majesty Queen Victoria, intituled "An Act to authorize
10 the trustees of the Presbyterian congregation of the town of Woodstock, in connection with the Church of Scotland, to sell certain lots in the said town held by them in trust for the said congregation," and under and by virtue of said Act, a certain portion of said lot number two, on the east side of Graham
15 street, was sold and conveyed to one Caleb Caister, by deed; dated the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and sixty-six, which piece of land so conveyed to the said Caleb Caister, is described as follows:
Commencing at the south-west angle of lot number two, then
20 northerly along the western boundary of the said lot fifty feet, then easterly parallel with the southern boundary of the same lot two hundred and thirteen feet (more or less) to the eastern boundary thereof, then southerly along the said eastern boundary fifty feet to the south-east corner of said lot, then westerly
25 along the southern boundary of the same lot two hundred and thirteen feet (more or less) to the place of beginning; and whereas, by deed dated the twelfth day of June, in the year of our Lord one thousand eight hundred and seventy-five, the then trustees of the said Presbyterian congregation of the town
30 of Woodstock, in connection with the Church of Scotland, conveyed all that portion of said lot number two on the east side of Graham street, not sold to the said Caleb Caister, and all of lot number three, to the trustees of Chalmers' church in the Town of Woodstock, for the nominal consideration of one
35 dollar, for the purpose of erecting a church thereon for the use of the congregation of said Chalmers' church; and whereas the said congregation of Chalmers' church in the town of Woodstock, have decided not to erect a church on the said lands so conveyed to them, as hereinbefore mentioned, for that purpose,
40 and the said congregation is desirous that the said lands should be vested in the persons hereinafter named, upon and for the purposes hereinafter declared; and whereas the members of the said Presbyterian congregation of the town of Woodstock, in connection with the Church of Scotland, have joined the

said Chalmers' church and Knox church in said town of Woodstock, and the St. Andrew's church congregation on the west quarter town line of the township of East Oxford, and the said Presbyterian congregation, of the town of Woodstock, in connection with the Church of Scotland, no longer exists as a congregation, and it is expedient that the said lands should be so vested in trustees and the same sold and the proceeds divided as hereinafter provided ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lands vested
in trustees.

1. Lot number three and that portion of lot number two, on the east side of Graham street, in the town of Woodstock, not heretofore sold and conveyed to Caleb Caister, are hereby vested in William Pott, of the town of Woodstock, in the county of Oxford, merchant, William A. Reid of the same place, merchant, and Robert Chambers, of the township of East Oxford, in the county of Oxford, farmer.

Trustees empowered to sell
land.

2. The said William Pott, William A. Reid and Robert Chambers, and the survivors of them, shall have full power and authority to sell the said parcels of land composed of said lot number two and that portion of lot number three on the east side of Graham street, not heretofore conveyed to the said Caleb Caister, either in one or more parcels, to such person or persons, party or parties as may be willing to become the purchaser or purchasers thereof, and that in such manner, whether by public sale or private contract, or partly by the one way and partly by the other, and at such times and at such price or prices, and on such terms of payment and security as to them or a majority of them may seem best, and by a good and sufficient title or titles under their hands and seals to convey the same when so sold to the purchaser or purchasers thereof, in trust, to apply the proceeds of such sale or sales, and the sale or sales of such securities as may be taken by them as aforesaid, as follows :—

Application of
proceeds.

First. To pay all necessary costs and expenses connected with the trust hereby created, and the sale and disposal of the said lands, and also to pay the congregations of Knox church and Chalmers' church, at Woodstock aforesaid, all costs and expenses incurred by them in connection with said property.

Second. If the said parcels of land shall produce only the sum of three thousand dollars, or any less sum, after paying the expenses connected with the trusts hereby created, and the sale and disposal of the lands hereinbefore mentioned, and the costs and expenses of the congregations of Knox church and Chalmers' church, in connection with said property, they are to divide the same equally between the Presbyterian congregations of Chalmers' church and Knox church, Woodstock, and St. Andrew's church on the west quarter town line of the township of East Oxford ; but if the said lands shall produce a greater sum than three thousand dollars, after payment of all costs and expenses as aforesaid, then they are to distribute three thousand dollars equally amongst the said three congregations and to pay all amounts over the said sum of three thousand dollars equally between the congregations of Chalmers' and Knox churches, of Woodstock.

3. It is hereby declared that moneys received for the said lands may by the said trustees be paid over to the treasurers of the said respective congregations for the use of the said several congregations of Chalmers' church, Knox church and St. Andrew's church above mentioned, and that the receipts of the said several treasurers of the said respective churches shall be a sufficient discharge to the said trustees.

5

BILL.

An Act to vest certain lands in the Town of Woodstock in Trustees, and to authorize a sale of the same.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to legalize a certain By-Law of the County of Frontenac, and the sale of the Debentures issued thereunder.

WHEREAS the municipal council of the corporation of the county of Frontenac have, by their petition, represented that doubts have arisen as to the validity of a certain by-law of the said corporation, authorizing the raising of a certain sum of money, for the purposes therein mentioned, by the issue of debentures, and as to the validity of debentures issued under and by virtue of the said by-law, and the bargain and sale of said debentures, made by said corporation; and it is expedient and necessary in the interest of the public, and the holders of said debentures, that all such doubts should be removed, and that such by-law, debentures, bargain, and sale should be legalized and confirmed in accordance with the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number one hundred and seventy-four of the corporation of the county of Frontenac, passed on the fourteenth day of November, in the year of our Lord, one thousand and eight hundred and seventy-eight, entitled "A by-law to raise by way of loan the sum of two hundred and sixty-two thousand four hundred dollars, pursuant to the statute in that behalf hereinafter mentioned," and the debentures issued thereunder, for the sum of two hundred and fifty-seven thousand and five hundred dollars, and the bargain entered into and sale of said debentures, made by said corporation, are hereby legalized and declared valid, notwithstanding any irregularity in the passing or form of said by-law, the debentures issued thereunder, or the bargain and sale thereof, or any want of power in said corporation to pass, make, enter into or carry out the same.

Preamble.

By-law 174 of the county of Frontenac, and debentures issued thereunder declared valid.

BILL.

An Act to legalize a certain By-law of the
County of Frontenac, and the sale of the
Debentures issued thereunder.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. CALVIN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to legalize a certain By-Law of the County of Frontenac, and the sale of the Debentures issued thereunder.

WHEREAS the municipal council of the corporation of ^{Preamble.}

the county of Frontenac have, by their petition, represented that doubts have arisen as to the validity of a certain by-law of the said corporation, ~~and~~ passed on the fourteenth day of November, in the year of our Lord one thousand eight hundred and seventy-eight, under the authority of an Act passed in the forty-first year of Her Majesty's reign, chaptered thirty-three, and intituled "A by-law to raise by way of loan the sum of two hundred and sixty-two thousand four hundred dollars, pursuant to the statute in that behalf," and as to the validity of the debentures issued thereunder, and as to a certain ~~and~~ bargain and sale of said debentures, made by said corporation; and it is expedient and necessary in the interest of the public, and the holders of said debentures, that all such doubts should be removed, and that such by-law, debentures, bargain, and sale should be legalized and confirmed in accordance with the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number one hundred and seventy-four of the corporation of the county of Frontenac, passed on the fourteenth day of November, in the year of our Lord, one thousand eight hundred and seventy-eight, intituled "A by-law to raise by way of loan the sum of two hundred and sixty-two thousand four hundred dollars, pursuant to the statute in that behalf hereinafter mentioned," and the debentures issued thereunder, for the sum of two hundred and fifty-seven thousand five hundred dollars, and the bargain entered into and sale of said debentures, made by said corporation, are hereby legalized and declared valid, notwithstanding any irregularity in the passing or form of said by-law, the debentures issued thereunder, or the bargain and sale thereof, or any want of power in said corporation to pass, make, enter into or carry out the same.

By-law 174 of the county of Frontenac, and debentures issued thereunder declared valid.

BILL.

An Act to legalize a certain By-law of the County of Frontenac, and the sale of the Debentures issued thereunder.

(Reprinted as amended.)

First Reading, 26th January, 1881.

(PRIVATE BILL)

Mr. CALVIN.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to change the name of the Sarnia Gas Company, to confirm a By-Law of the Town of Sarnia, and to extend the powers of the said Company.

WHEREAS, Charles Mackenzie, Thomas Symington, Michael Fleming, James Flintoft, Edward M. Proctor and James F. Lister, have represented that they are a body corporate and politic, incorporated by the name of the "Sarnia Gas Company," under the authority of the Act intituled "An Act respecting Joint Stock Companies, for supplying cities, towns and villages with gas and water," chaptered one hundred and fifty seven of the Revised Statutes of Ontario, and of the Acts amending the same; and, whereas, the corporation of the town of Sarnia, did, on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty, pass a by-law, intituled "A By-law for granting authority to certain persons as a Gas Company, to lay down pipes for the conveyance of gas under the streets, squares and other public places of the town of Sarnia," and for other purposes therein mentioned; and whereas, it is amongst other things provided in and by said by-law, that the said company shall have full power, and the exclusive right and authority for thirty years from the final passing of said by-law, to lay down pipes for the purposes aforesaid, subject to the condition that the said company shall supply the said corporation with such quantity of gas as they may require for the lighting of the streets, town hall, and other public buildings of the town of Sarnia, and to the inhabitants thereof at such rate as shall be charged from time to time by the company to the shareholders thereof, being consumers; and whereas, the persons aforesaid, have by their petition, prayed for a special Act changing the name of the said company, confirming the said by-law, and authorizing the company to extend their pipes beyond the limits of the town of Sarnia, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company, "The Sarnia Gas Company," is hereby changed to that of the "Sarnia Consumers' Gas Company," and from and after the passing of this Act, the said company shall be designated and known as the "Sarnia Consumers' Gas Company."

2. The said by-law above cited shall be and the same is hereby declared to be legal, valid and binding.

Power to supply gas in adjoining municipalities.

3. Upon the municipal council of any municipality adjoining the town of Sarnia, by by-law, granting to the company authority to lay down pipes for the conveyance of gas under the streets, squares and other public places of such adjoining municipality, it shall and may be lawful for the company 5 to lay down such pipes under the streets, squares and other public places of such municipality, and to connect the same with the mains and other pipes of the company in the town of Sarnia, and to supply gas to such municipality and the inhabitants thereof, from the works of the company in the town of Sarnia, and the 10 company shall have, exercise and enjoy, in such adjoining municipality, all the rights, powers, privileges and protection provided in the said Act, but subject to the restrictions therein contained.

BILL.

An Act to change the name of the Sarnia Gas Company, to confirm a By-law of the Town of Sarnia, and to extend the powers of the said Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. McCraney.

TORONTO:

PRINTED BY G. BLACKETT ROBINSON.

An Act to change the name of the Sarnia Gas Company, to confirm a By-Law of the Town of Sarnia, and to extend the powers of said Company.

WHEREAS, Charles Mackenzie, Thomas Symington, Michael Fleming, James Flintoft, Edward M. Proctor and James F. Lister, have represented that they are a body corporate and politic, incorporated by the name of the "Sarnia Gas Company," under the authority of the Act intituled "An Act respecting Joint Stock Companies, for supplying cities, towns and villages with gas and water," chapter one hundred and fifty seven of the Revised Statutes of Ontario, and of the Acts amending the same; and, whereas, the corporation of the town of Sarnia, did, on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty, pass a by-law, intituled "A By-Law for granting authority to certain persons as a Gas Company, to lay down pipes for the conveyance of gas under the streets, squares and other public places of the town of Sarnia," and for other purposes therein mentioned; and whereas, it is amongst other things provided in and by said by-law, that the said company shall have full power, and the exclusive right and authority for thirty years from the final passing of said by-law, to lay down pipes for the purposes aforesaid, subject to the condition that the said company shall supply the said corporation with such quantity of gas as they may require for the lighting of the streets, town hall, and other public buildings of the town of Sarnia, and to the inhabitants thereof at such rate as shall be charged from time to time by the company to the shareholders thereof, being consumers; and, whereas, the persons aforesaid, have by their petition, prayed for a special Act changing the name of the said company, confirming the said by-law, and authorizing the company to extend their pipes beyond the limits of the town of Sarnia, and it is expedient to grant the prayer of the said petition; Therefore her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company,  incorporated as in the preamble to this Act mentioned by the name of  "The Sarnia Gas Company," is hereby changed to that of the "Sarnia Consumers' Gas Company," and from and after the passing of this Act, the said company shall be designated and known as the "Sarnia Consumers' Gas Company";  and the said by-law of the corporation of the town of Sarnia, mentioned in the said preamble, is to be read as if the name of the said company mentioned therein was the "Sarnia Consumers' Gas Company"; and such name, last mentioned, is to be and is hereby sub-

Name of company changed.

stituted for the words "The Sarnia Gas Company" wherever 45
the name of the said company occurs in the said by-law, and
the said by-law shall be and is hereby amended accordingly. 50

By-law con-
firmed.

2. The said by-law above cited 50 so amended as afore-
said, 50 shall be and the same is hereby declared to be legal,
valid and binding. 50

Power to sup-
ply gas in ad-
joining mu-
nicipalities.

3. Upon the municipal council of any municipality adjoin-
ing the town of Sarnia, by by-law, granting to the company
authority to lay down pipes for the conveyance of gas under
the streets, squares and other public places of such adjoining
municipality, it shall and may be lawful for the company to 55
lay down such pipes under the streets, squares, and other pub-
lic places of such municipality, and to connect the same with the
mains and other gas pipes of the company in the town of Sarnia,
and to supply gas to such municipality and the inhabitants
thereof, from the works of the company in the town of Sarnia, 60
and the company shall have, exercise and enjoy, in such ad-
joining municipality, all the rights, powers, privileges and pro-
tection provided in the said Act, but subject to the restrictions
therein contained, 65 and to any conditions or restrictions con-
tained in any such by-law. 65

Limitation of
time.

4. 70 The said company shall commence the construction
of their works within one year, and shall commence to supply
gas to the said the corporation of the town of Sarnia within
three years after the passage of this Act.

Rights of
others not
affected.

5. Nothing in this Act contained shall affect the rights of 70
the Honourable Alexander Vidal, and certain other persons, in-
corporated in the year one thousand eight hundred and seventy
eight, as a gas company, by the name of "The Sarnia Gas
Company," and said last mentioned company shall retain its
name and rights, notwithstanding the passage of this Act. 75

BILL.

An Act to change the name of the Sarnia Gas Company, to confirm a By-law of the Town of Sarnia, and to extend the powers of the said Company.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. McCraney.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to change the name of the Village of Petersville to West London.

WHEREAS it appears by the petition of the municipal ^{Preamble.}
council of the village of Petersville in the county of
Middlesex that the said village lies to the west of the city of
London, from which it is separated by the river Thames, and
5 that the name of Petersville is an inappropriate one for the
said village, and that the ratepayers of the village are desirous
of changing the said name of the village; and whereas the said
municipal corporation of the village of Petersville have by their
said petition prayed that the name of the said village be
10 changed to West London, and it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

- 15 1. The name of the corporation of the village of Petersville, ^{Name changed}
in the county of Middlesex, shall be and is hereby changed to ^{to West}
West London, and the corporate name of the said village is ^{London.}
hereby declared to be "The Corporation of the Village of West
London."
- 20 2. Nothing in this Act contained shall in any way affect the ^{Obligations,}
validity of any by-law of the said corporation of the village of ^{etc., not}
Petersville, or of any debts, debentures or other obligations of ^{affected.}
the said corporation, and all rights, powers, debts, duties and
obligations of the said corporation of the village of Petersville
25 shall be vested in the corporation of the village of West Lon-
don.

BILL.

An Act to change the name of the Village of
Petersville to West London.

First Reading,
, 1881.

(*PRIVATE BILL.*)

Mr. TOOLEY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to change the name of the Village of Petersville to West London.

WHEREAS it appears by the petition of the municipal Preamble.
council of the village of Petersville in the county of
Middlesex that the said village lies to the west of the city of
London, from which it is separated by the river Thames, and
5 that the name of Petersville is an inappropriate one for the
said village, and that the ratepayers of the village are desirous
of changing the said name of the village; and whereas the said
municipal corporation of the village of Petersville have by their
said petition prayed that the name of the said village be
10 changed to West London, and it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

15 1. The name of the corporation of the village of Petersville, Name changed
in the county of Middlesex, shall be and is hereby changed to to West
West London, and the corporate name of the said village is London.
hereby declared to be "The Corporation of the Village of West
London."

20 2. Nothing in this Act contained shall in any way affect the Obligations,
validity of any by-law of the said corporation of the village of etc., not
Petersville, or of any debts, debentures or other obligations of affected.
the said corporation, and all rights, powers, debts, duties and
obligations of the said corporation of the village of Petersville
25 shall be vested in, *assumed by and be and remain the rights,*
powers, debts, duties and obligations of the said corporation of
the village of West London.

BILL.

An Act to change the name of the Village of
Petersville to West London.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. TOOLEY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act relating to the incorporation of the Village of Brockton.

WHEREAS certain inhabitants and ratepayers of the village Preamble.

of Brockton, in the county of York, by their petition representing that the by-law hereto appended was duly passed by the council of the corporation of the county of York, on the nineteenth day of November, in the year of our Lord, one thousand eight hundred and eighty, and that under section eighty-six of chapter one hundred and seventy-four of the Revised Statutes of Ontario, the first election under the by-law erecting the locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect, and that it would be productive of great benefit to the petitioners, that the elections held on the third day of January, in the year of our Lord, one thousand eight hundred and eighty-one, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the county council of York, a copy of which is set forth in the schedule to this Act marked "A," incorporating the village of Brockton, is hereby confirmed as if the incorporation of the said village had gone into effect on the nineteenth day of November, one thousand eight hundred and eighty, and the territory described in the said by-law is on and after that date to be taken and considered as having been erected into an incorporated village called and to be called the village of Brockton, and the inhabitants thereof as formed into a municipal corporation by the name of the corporation of the village of Brockton.

2. The election of reeve and councillors for the said village of Brockton held under the said by-law, on Monday the third day of January, one thousand eight hundred and eighty-one, is hereby confirmed, notwithstanding any irregularities in holding the same, and notwithstanding the want of qualifications of the electors or of the reeve and councillors elected, and the reeve of the said village of Brockton thus elected shall have a seat in the county council of York for the year one thousand eight hundred and eighty-one.

3. The election of school trustees for the said village of Brockton, held on Wednesday the twelfth day of January, one

By-law set forth in schedule hereto confirmed.
Election of reeves and councillors confirmed.
Election of school trustees confirmed.

thousand eight hundred and eighty-one, is also hereby confirmed, notwithstanding any irregularities in holding the same or want of qualifications of the said trustees.

Provisions of
Municipal law
to apply.

4. Except as herein specially enacted all the provisions of "the municipal Act" and of all other general acts in force in the Province of Ontario, relating to municipal institutions, are hereby declared to apply to the said village in the same manner and to the same extent in all respects as if the said village had been incorporated under the provision of those acts, and such incorporation had taken place upon the said nineteenth day of 10 November, aforesaid.

Expenses of
Act.

5. The expenses incurred in obtaining this Act shall be borne and paid by the council of the said village to the parties entitled thereto.

Schedule "A."

A BY-LAW, 357,

To provide for the Incorporating of the Village of Brockton.

Whereas the census returns of the unincorporated village of Brockton, situate in the township of York in the county of York, with its immediate neighbourhood within the limits hereinafter described, taken under the direction and by the authority of the council of the county of York, as provided by the municipal Act, shows that the same contains over seven hundred and fifty inhabitants; and whereas the residences of such inhabitants are sufficiently near to form an incorporated village; and whereas over one hundred resident householders and freeholders of the said village of Brockton and neighbourhood have petitioned that the same may be erected into an incorporated village, over fifty of which are freeholders:

Be it therefore enacted by the council of the corporation of the county of York as follows:

1st. That the said village of Brockton and neighbourhood shall be, and the same is hereby erected into an incorporated village, apart from the said township of York.

2nd. That the name of the said incorporated village shall be and the same is hereby declared to be Brockton.

3rd. The boundaries of the said incorporated village of Brockton shall be and the same are hereby declared as follows, that is to say: Commencing at the intersection of the south-westerly boundary of the right of way of the Grand Trunk Railway with the western limit of Dufferin street, thence northerly along the said westerly limit of Dufferin street six thousand five hundred and eighteen feet, more or less, to the centre line of Bloor street; thence westerly along the said centre line of Bloor street five thousand nine hundred and thirty-one feet, more or less, to the centre line of the Indian Road, produced; thence southerly along the said centre line of the Indian Road four thousand and thirty-three feet, more or less to the intersection of the northerly limit of the village of Parkdale, produced, westerly to the said centre line of the Indian Road; thence easterly along the said produced limit of the village of Parkdale,

and along the said limit thereof to the southwesterly limit of the right of way of the Grand Trunk Railway, in all, a distance of three thousand six hundred and ninety three feet, more or less; thence southeasterly along the said southeasterly limit of said right of way of the Grand Trunk Railway three thousand four hundred and seventy feet more or less, to the place of beginning.

4th. That the first election for the said incorporated village for municipal purposes shall be held in Mr. George A. Rosbach's Hall, situate on Dundas street in the said village of Brockton, and that Mr. Patrick Kearns, of the said village, shall be and is hereby appointed returning officer to hold the said first election as the law directs.

Passed Nov. 19th, 1880.

{ L. S. }

(Signed) JOSEPH STOKES.
Warden.

GEO. EAKIN,
C. C. York.

I, George Eakin, clerk of the county of York, certify that the foregoing is a correct copy of by-law No. 357, passed by the council of the county of York on the 19th day of November, A.D. 1880.

GEORGE EAKIN,
C. C. York.

BILL.

An Act relating to the incorporation of the
Village of Brockton.

First Reading,
, 1881.

(*PRIVATE BILL.*)

Mr. PATERSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act relating to the incorporation of the Village of Brockton.

WHEREAS certain inhabitants and ratepayers of the village Preamble.

of Brockton, in the county of York, by their petition have represented that the by-law contained in the schedule hereto was duly passed by the council of the corporation of the county of
5 York, on the nineteenth day of November, in the year of our Lord, one thousand eight hundred and eighty, and that under section eighty-six of chapter one hundred and seventy-four of the Revised Statutes of Ontario, the first election under the by-law erecting the locality into an incorporated village should take
10 place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect, and that it would be productive of great benefit to the petitioners, that the elections held on the third
15 day of January, in the year of our Lord, one thousand eight hundred and eighty-one, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
20 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the county council of York, a copy of which is set forth in the schedule to this Act marked "A," in-
corporating the village of Brockton, is hereby confirmed as if
25 the incorporation of the said village had gone into effect on the nineteenth day of November, one thousand eight hundred and eighty, and the territory described in the said by-law is on and after that date to be taken and considered as having been erected into an incorporated village called and to be called the village
30 of Brockton, and the inhabitants thereof as formed into a municipal corporation by the name of the corporation of the village of Brockton.

2. The election of reeve and councillors for the said village
of Brockton held under the said by-law, on Monday the third
35 day of January, one thousand eight hundred and eighty-one, is hereby confirmed, notwithstanding any irregularities in holding the same, and notwithstanding the want of qualifications of the electors or of the reeve and councillors elected, and the reeve of the said village of Brockton thus elected shall have a
40 seat in the county council of York for the year one thousand eight hundred and eighty-one.

3. Except as herein specially enacted all the provisions of
"The municipal Act" and of all other general acts in force in
Provisions of Municipal law to apply.

the Province of Ontario, relating to municipal institutions, are hereby declared to apply to the said village in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of those acts, and such incorporation had taken place upon the said nineteenth day of November aforesaid. 5

Expenses of
Act.

4. The expenses incurred in obtaining this Act shall be borne and paid by the *corporation* of the said village to the parties entitled thereto.

Schedule "A."

A BY-LAW, 357,

To provide for the incorporating of the Village of Brockton.

Whereas the census returns of the unincorporated village of Brockton, situate in the township of York in the county of York, with its immediate neighbourhood within the limits hereinafter described, taken under the direction and by the authority of the council of the county of York, as provided by the municipal Act, shows that the same contains over seven hundred and fifty inhabitants; and whereas the residences of such inhabitants are sufficiently near to form an incorporated village; and whereas over one hundred resident householders and freeholders of the said village of Brockton and neighbourhood have petitioned that the same may be erected into an incorporated village, over fifty of which are freeholders;

Be it therefore enacted by the council of the corporation of the county of York as follows:

1st. That the said village of Brockton and neighbourhood shall be, and the same is hereby erected into an incorporated village, apart from the said township of York.

2nd. That the name of the said incorporated village shall be and the same is hereby declared to be Brockton.

3rd. The boundaries of the said incorporated village of Brockton shall be and the same are hereby declared as follows, that is to say: Commencing at the intersection of the south-westerly boundary of the right of way of the Grand Trunk Railway with the western limit of Dufferin street, thence northerly along the said westerly limit of Dufferin street six thousand five hundred and eighteen feet, more or less, to the centre line of Bloor street; thence westerly along the said centre line of Bloor street five thousand nine hundred and thirty-one feet, more or less, to the centre line of the Indian Road, produced; thence southerly along the said centre line of the Indian Road four thousand and thirty-three feet, more or less to the intersection of the northerly limit of the village of Parkdale, produced, westerly to the said centre line of the Indian Road; thence easterly along the said produced limit of the village of Parkdale, and along the said limit thereof to the south-westerly limit of the right of way of the Grand Trunk Railway, in all, a distance of three thousand six hundred and ninety three feet, more or less; thence southeasterly along the said southeasterly limit of said right of way of the Grand Trunk Railway three thousand four hundred and seventy feet more or less, to the place of beginning.

4th. That the first election for the said incorporated village for municipal purposes shall be held in Mr. George A. Rosbach's Hall, situate on Dundas street in the said village of Brockton, and that Mr. Patrick Kearns, of the said village, shall be and is hereby appointed returning officer to hold the said first election as the law directs.

Passed Nov. 19th, 1880.

{ L. S. }

(Signed)

JOSEPH STOKES.

Warden.

GEO. EAKIN,
C. C. York.

I, George Eakin, clerk of the county of York, certify that the foregoing is a correct copy of by-law No. 357, passed by the council of the county of York on the 19th day of November, A.D. 1880.

GEORGE EAKIN,
C. C. York.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act relating to the incorporation of the
Village of Brockton.

(Reprinted as amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

MR. PATTERSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the London Young Men's Christian Association.

WHEREAS on the first day of May, one thousand eight hundred and seventy-eight, a declaration was signed and filed under the provisions of chapter 167 of the Revised Statutes of Ontario whereby "The London Young Men's Christian Association" became incorporated; and whereas by said declaration it was provided that the said society should be under the management of a board of seventeen trustees or managing officers; and whereas the said association has become the purchaser and owner of certain real estate, namely, the southerly sixty feet of lot number five on the south side of Dundas street, in the city of London, in the Province of Ontario, and has erected thereon a building for the purposes of the association, at an expense of over thirteen thousand dollars, all of which has been paid except the sum of seven thousand dollars, (the amount of a mortgage given by the said association on the said property), the moneys therefor having been raised by private subscriptions and donations; and whereas it has been deemed desirable by the said association and the parties who gave subscriptions and donations for the purpose of procuring said building, that the declaration of incorporation should be amended and that the said real estate should be placed in the name and under the control of seven trustees, (separate and distinct from the board of directors, who should manage the ordinary affairs and work of the association), and that the board of directors or the association should not be able to contract any liability which would affect or be collectable from the said real estate without the consent and concurrence of the said trustees, and then only for the purpose of maintaining, repairing or rebuilding the premises in order that the said premises may be kept for the purpose of the work of the association; and whereas the said association has by its petition prayed that power may be given to it to amend said declaration or its constitution so as to have the ordinary affairs and work of the association under the control and management of ten directors, and to grant and convey its real estate aforesaid to seven trustees, separate and distinct from such board of directors, and upon the trusts and for the purposes aforesaid, and it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the London Young Men's Christian Association to so amend the declaration under which it was incorporated or its constitution or both as to place the management of the ordinary affairs and work of the said association

Preamble.

Power to
amend constitution and decrease number of trustees.

ciation under the control and direction of ten directors, who shall be elected annually in such manner as may be provided for by the constitution or by-laws of the said association, instead of seventeen trustees as is now provided for.

Real estate of association may be conveyed to seven trustees.

Terms of trust.

2. It shall and may be lawful for, and the said The London Young Men's Christian Association is hereby authorized to grant and convey unto seven persons to be chosen or selected at a special general meeting of the members of the said association duly called according to the by-laws of the said association, the real estate of the said association, consisting of the southerly sixty feet of lot number five on the south side of Dundas street in the city of London, in the Province of Ontario, together with the buildings thereon; to hold to the said seven persons and their successors, to be appointed as may be provided by the terms of said grant, in trust, to manage and control the same and receive all moneys arising therefrom, and all moneys which may be subscribed or given for the purposes of the said building or on account of the debt thereon, and apply the same in payment of any debts of the said association existing at the time of the said grant (including the said mortgage debt), insurance, taxes, repairs and improvements, and after payment of all such debts, including said mortgage debt or any other mortgage which may be substituted therefor, or any mortgage debt which may hereafter be incurred or placed upon said property from time to time, to pay over to the association for the purposes of the association any income derived therefrom after deducting the necessary expenditure for insurance, taxes, repairs or other outgoings; and the said trustees shall be and are hereby declared to be a body corporate under the name of "The Trustees of The London Young Men's Christian Association."

When powers to be exercised.

3. The powers conferred upon the said association by the first and second sections of this Act shall not be exercised until after the same shall have been approved of by a majority of the members of the said association present at a special general meeting called in accordance with the by-laws of the said association.

Real estate not liable for ordinary debts of the association.

4. The said trustees and their successors shall hold the said real estate free and clear from any debt or liability which may be incurred by the said association, or the said board of directors or any committee or member of the said association, subsequent to the date of the said grant and conveyance to the said trustees, except such debt or liability as may be incurred by the joint assent and authority of the said association given at a special general meeting called for the purpose, and of the said trustees.

Power to mortgage.

5. The said trustees shall have power to mortgage said real estate for any sum not exceeding the amount which may be due or unpaid on any mortgage existing at the time of the said grant to them, or any mortgage substituted therefor, and from time to time to replace such mortgage by another if in their opinion they deem it desirable to do so, but they shall not be at liberty to increase the amount of the mortgage debt upon said real estate without the consent and concurrence of the said association, expressed at a special general meeting as aforesaid.

6. It shall and may be lawful for the said trustees by and with the consent of the said association expressed at a special general meeting as aforesaid, to sell and dispose of the said real estate and apply the proceeds either in the purchase, upon the same trusts, of other property or otherwise, as the said trustees and the said association shall mutually agree upon.

Power to sell.

7. The grant or conveyance by the said association to the said trustees shall refer to this Act in manner and to the effect following: "This indenture made the day of in the year of our Lord one thousand eight hundred and under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, intituled 'An Act respecting "The London Young Men's Christian Association."'"

Reference to
Act in grant to
trustees.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the London Young Men's
Christian Association.

First Reading, , 1881.

(*PRIVATE BILL.*)

MR. MEREDITH.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Georgian Bay and Wellington
Railway Company.

WHEREAS the Georgian Bay and Wellington Railway Company have petitioned that an Act may be passed to extend the powers of the said company, and to confirm certain by-laws granting aid to the said company, and for other purposes; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. The time limited for the completion of the said railway, in and by the several by-laws granting aid to the said railway enumerated in section four of the statute of the Legislature of this province, passed in the forty second year of Her Majesty's reign, and chaptered fifty-six, is hereby extended to the first
15 day of August, one thousand eight hundred and eighty-two, and none of the said by-laws shall be deemed to have lapsed, nor shall the same lapse by reason of such extension of time or by reason of the said railway not having been completed within the several times mentioned in the said by-laws for the com-
20 pletion thereof.

Time limited for completion of railway in by-laws granting aid thereto extended.

2. The time limited for the completion of the section of the said road between Palmerston and Durham, in and by the by-law of the village of Mount Forest, passed on the day of , one thousand eight hundred and seventy-
25 eight, granting aid to said railway, is hereby extended one month.

Time limited in a certain by-law of Mount Forest extended.

3. The commencement of work already made by the said railway company, within the townships of Sullivan and Derby, is hereby declared to be a sufficient commencement of their
30 work in each of said townships for all purposes whatsoever.

Work in townships of Sullivan and Derby a sufficient commencement of work.

4. It is hereby declared that the condition contained in the by-law of the town of Palmerston above referred to, providing for maintenance of a freight and passenger station by said company, as therein set forth, will be fully performed and observed
35 by said company for all purposes whatsoever, in case the said company shall maintain the present station of the Stratford and Lake Huron Railway at said town, or cause the same to be maintained.

Palmerston by-law sufficiently complied with if Stratford and Lake Huron station maintained.

5. And whereas it is necessary to remove an ambiguity in the third and fourth sections of said last named by-law, it is hereby
40 declared that the balance referred to in said fourth section is

True construction of Palmerston by-law declared.

the entire balance now in the hands of the statutory trustees, whether the same is twenty-five per centum or not, and said fourth section is hereby amended by striking out the words "being twenty-five per centum."

True list of
shareholders.

6. It is hereby declared that the book now on file with the secretary of the said company, containing a list of the shareholders of the said company, signed by such shareholders personally, is the stock-book of the said company, and that all persons whose names appear in said list, are, and have been, since the date of their signing their respective names, holders of the number of shares set opposite their respective names, whether the calls or payments on such shares are now paid or not.

Certain by-
laws granting
aid to company
confirmed.

7. The by-laws heretofore passed by the municipal corporation of the town of Mount Forest, granting aid to said railway company, on the sixth and tenth days of September last, respectively, and the by-law of the municipal corporation of the town of Durham, also granting aid to said railway, passed on the sixth day of July last, and all debentures now issued or that may hereafter be issued under and in pursuance of the said by-laws, are hereby declared to be legal, valid and binding upon the said corporations, and the ratepayers thereof, any law, custom and statute, to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise, in said by-laws, or any of them, or in the passing of the same, or in any way whatsoever.

Power to sell
surplus lands.

8. The said company shall have power to sell, free from any lien or incumbrance whatsoever created by them by virtue of any Act relating to said company, any lands acquired by them which shall cease to be required for the use of the said company.

Release set
forth in
schedule "A"
confirmed.

9. And whereas, on the tenth day of September last, the said company did agree with the municipal corporation of the town of Mount Forest, upon the form of release necessary to meet the requirements of the conditions set out in by-law number fifteen of the said town above referred to in section of this Act, which said release has been executed by the said company in duplicate, and is set forth in Schedule "A" to this Act, the said instrument set forth in Schedule "A" is hereby legalized and made valid for the intents and purposes for which the same was executed according to the intent and meaning thereof, and is declared to legally carry out the same; and it is hereby declared that upon the deposit of a duplicate of said instrument properly executed by said company, with the clerk of said town, together with the certificate of the chief engineer of said company therein described, all of the conditions of said by-law shall have been complied with, and that no person or corporation shall have any right or claim as against the said corporation of the said town to the execution and delivery of the series of debentures to the extent of four thousand dollars contemplated by by-law number fourteen of the said corporation above referred to.

Agreement set
forth in sche-
dule "B" con-
firmed

10. And whereas, the said company, and the Grand Trunk Railway company have entered into a certain agreement which is set forth in Schedule "B" to this Act, the said agreement is

hereby declared to be legal and binding, save that this Act shall not be construed as conferring any power upon the Grand Trunk Railway of Canada to enter into said agreement or any power whatsoever, but shall apply solely to the said railway company.

11. The shares of the stock of the said railway company, agreed by sections seven and eight of the said agreement set out in Schedule "B" to be transferred to a trustee of the Grand Trunk Railway Company, shall, from and after the date of such transfer to such trustee be deemed and taken to be paid up in full to all intents and purposes whatsoever, as fully and effectually as if the same had been fully paid up in money for calls to said company in the usual way, and the original subscribers therefor, and any assignees thereof up to said date are hereby respectively declared to be free from any liability for calls in respect thereof or for payment on account thereof otherwise, from and after the date of such transfer: Provided, that nothing in this section shall in any way affect any right or claim that any person shall have at said date in respect of non-payment of right of way, or for damages from imperfect crossings or approaches.

SCHEDULE "A."

This Indenture, made in duplicate, the tenth day of September, in the year one thousand eight hundred and eighty, between the Georgian Bay and Wellington Railway Company, of the first part, and the municipal corporation of the town of Mount Forest, of the second part.

Whereas under and by virtue of a certain by-law of the said town, numbered fourteen and entitled, "To aid the Georgian Bay and Wellington Railway Company, by granting thereto the sum of seven thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising of an annual sum for the payment of the said debentures and the interest thereon," which said by-law was duly passed and read the third time on the sixth day of September, one thousand eight hundred and eighty, the said party of the second part did grant to the party of the first part the sum of seven thousand dollars by way of bonus, in the manner and on the conditions expressed in the said by-law:

And whereas under and by virtue of a subsequent by-law of the said town, numbered ten and entitled, "To aid the Georgian Bay and Wellington Railway Company by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon," which said by-law was duly passed and read a third time on the tenth day of September, one thousand eight hundred and eighty, the said party of the second part did grant to the said party of the first part by way of bonus the sum of four thousand dollars, in the manner and upon the conditions expressed in the said by-law;

And whereas it was one of the conditions of the last mentioned by-law, that the debentures representing the said bonus of four thousand dollars should not be delivered to the statu-

tory trustees appointed under the charter of the party of the first part until a proper legal release of the debentures contemplated by the first of the above-named by-laws to the extent of four thousand dollars, being the ones to be issued under the terms of the said first mentioned by-law, upon the completion of the railway of the party of the first part to Owen Sound, should be delivered by the said party of the first part to the said party of the second part ;

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the delivery to the said statutory trustees of the debentures contemplated by the second of the above by-laws (when the same shall have been so delivered), the said party of the first part doth release, quit claim, and forever yield up to the party of the second part, its successors and assigns, all claims, rights and demands whatsoever, whether in possession or expectancy, and whether at law or in equity, or howsoever, which the party of the first part now has or may have in the future against the said party of the second part or its successors, or the ratepayers, or the property of the said town, for the issue of the said debentures to the extent of four thousand dollars, under the first of the above-mentioned by-laws, but nothing herein contained is in any way to impair the right of the said party of the first part to the remaining three thousand dollars of debentures contemplated under said first-mentioned by-law, in accordance with the conditions thereof, it being the intention of all parties to substitute the four thousand dollars of debentures to be issued under the second by-law for the like amount under the first by-law, and that the party of the first part shall receive seven thousand dollars in all under both, according to the terms thereof.

In witness whereof the party of the first part has caused its corporate seal, and the hand of its president and secretary to be affixed hereto, the day and year first above written.

{ L. S. }

SCHEDULE "B."

This agreement made this tenth day of April, in the year of our Lord one thousand eight hundred and eighty, by and between the Georgian Bay and Wellington Railway Company of the first part, and the Grand Trunk Railway Company of Canada, of the second part : Witnesseth that the said parties have and hereby do covenant and agree each with the other in manner following, that is to say :—

1. That in this agreement the words "The Georgian Bay Company" shall mean the party of the first part, and the words "The Grand Trunk Company" shall mean the party of the second part.

2. That the Georgian Bay Company will proceed with the work of completing their line, and will finish and complete the same from Durham to a junction with the Stratford and Lake Huron Railway Company's line in or near the town of Palmerston, in the county of Wellington.

3. That they will ballast and fence their line and provide station and freight buildings, sidings, water supply, road and other crossings, railway ties, and all other things requisite to complete, and they will furnish and complete the said railway in all and each and every respect, to the entire satis-

faction of the general manager for the time being of the Grand Trunk Company.

4. That they, the Grand Trunk Company will supply the iron for the road and will lay it during the summer months, and if reasonably possible, before the first of July now next, provided the said Georgian Bay Company have performed their part of the agreement, so that the Grand Trunk Company can reasonably get on with their work.

5. That for the purpose of ballasting and such like work, the Grand Trunk Company will supply an engine and cars free of charge.

6. That on the completion of the line the Grand Trunk Company will supply the necessary engine power and equipment, and will efficiently work the said line.

7. That the shares of the capital stock of the Georgian Bay Company shall be transferred to a person to be named by the Grand Trunk Company, so as to give them the control of the said line and the Georgian Bay Company's property connected therewith.

8. That when the work is completed, then the said capital stock shall be held by the person so named, or by some one to be approved or named by the Grand Trunk Company in place of such person, in trust for said Company.

9. That all accounts of contractors, and all claims and demands arising out of or connected with the work to be done by the Georgian Bay Company, also all land claims and damages to be paid and discharged by the Georgian Bay Company, or suitable provision to be made, to the satisfaction of the Grand Trunk Company, for their discharge by the Georgian Bay Company.

In witness whereof the said parties hereto have hereunto affixed their corporate seals the day and year first above written.

{ L. S. }

BILL.

An Act respecting the Georgian Bay and
Wellington Railway Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

MR. HUNTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Georgian Bay and Wellington
Railway Company.

WHEREAS the Georgian Bay and Wellington Railway Company have petitioned that an Act may be passed to extend the powers of the said company, and to confirm certain by-laws granting aid to the said company, and for other purposes; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. The time limited for the completion of the section of the said road between Palmerston and Durham, in and by by-law *number one hundred and thirty-one* of the village of Mount Forest, granting aid to said railway, is hereby extended *six months*.

Time limited in a certain by-law of Mount Forest extended.

15 2. It is hereby declared that the condition contained in the by-law of the town of Palmerston, providing for maintenance of a freight and passenger station by said company, as therein set forth, will be fully performed and observed by said company for all purposes whatsoever, *so long as* the present station of the Stratford and Lake Huron Railway at said town *shall be* maintained.

Palmerston by-law sufficiently complied with if Stratford and Lake Huron station maintained.

25 3. And whereas it is necessary to remove an ambiguity in the third and fourth *conditions* of said last named by-law, it is hereby declared that the balance referred to in *the* said fourth *condition* is the entire balance now in the hands of the statutory trustees, whether the same is twenty-five per centum or not, and said fourth section is hereby amended by striking out the words "being twenty-five per centum."

True construction of Palmerston by-law declared.

30 4. The by-laws heretofore passed by the municipal corporation of the town of Mount Forest, granting aid to said railway company, on the sixth and tenth days of September last, respectively, and the by-law of the municipal corporation of the town of Durham, also granting aid to said railway, passed on the sixth day of July last, and all debentures now issued or that may hereafter be issued under and in pursuance of the said by-laws, are hereby declared to be legal, valid and binding upon the said corporations, and the ratepayers thereof, any law, custom and statute, to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise, in said by-laws, or any of them, or in the passing of the same, or in any way whatsoever.

Certain by-laws granting aid to company confirmed.

50 5. The said company shall have power to sell, free from any lien or incumbrance whatsoever created by them by virtue of any Act relating to said company, any lands acquired by them which shall cease to be required for the use of the said company: ~~and~~ Provided always that in case of right of way the

Power to sell surplus lands.

person owning the remaining portion of the lot through which such right of way runs shall have the first right and privilege of purchasing. 

Release set forth in schedule "A" confirmed.

6. And whereas, on the tenth day of September last, the said company did agree with the municipal corporation of the town of Mount Forest, upon the form of release necessary to meet the requirements of the conditions set out in by-law number fifteen of the said town above referred to in section four of this Act, which said release has been executed by the said company in duplicate, and is set forth in Schedule "A" to this Act, the said instrument set forth in Schedule "A" is hereby legalized and made valid for the intents and purposes for which the same was executed according to the intent and meaning thereof, and is declared to *be legally sufficient to accomplish the purpose therein intended*; and it is hereby declared that upon the deposit of a duplicate of said instrument properly executed by said company, with the clerk of said town, together with the certificate of the chief engineer of said company therein described, all of the conditions of said by-law shall have been complied with, and that no person or corporation shall have any right or claim as against the said corporation of the said town to the execution and delivery of the series of debentures to the extent of four thousand dollars contemplated by by-law number fourteen of the said corporation above referred to.

Agreement set forth in schedule "B" confirmed

7. And whereas, the said company, and the Grand Trunk Railway company have entered into a certain agreement which is set forth in Schedule "B" to this Act, the said agreement is hereby declared to be legal and binding, save that this Act shall not be construed as conferring any power upon the Grand Trunk Railway of Canada to enter into said agreement or any power whatsoever, but shall apply solely to the said railway company.

Stock transferred to G. T. railway to be deemed paid up stock.

 8. The shares of the capital stock of the said company now subscribed for together with the remainder of the stock authorized to be issued under the charter of the said company, shall, from and after the date of the transfer to such trustee as referred to in said agreement, be deemed and taken to be paid up in full to all intents and purposes whatsoever, as fully and effectually as if the same had been fully paid up in money for calls to said company in the usual way, and the original subscribers therefor, and any holders thereof are hereby respectively declared to be free from any liability for calls in respect thereof or for payment otherwise on account thereof, from and after the date of such transfer: Provided, that nothing in this section shall in any way affect any right or claim that any person shall have at said date in respect of non-payment of right of way, or for damages from imperfect crossings or approaches. 

SCHEDULE "A."

This Indenture, made in duplicate, the tenth day of September, in the year one thousand eight hundred and eighty,

between the Georgian Bay and Wellington Railway Company, of the first part, and the municipal corporation of the town of Mount Forest, of the second part.

Whereas under and by virtue of a certain by-law of the said town, numbered fourteen and entitled, "To aid the Georgian Bay and Wellington Railway Company, by granting thereto the sum of seven thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising of an annual sum for the payment of the said debentures and the interest thereon," which said by-law was duly passed and read the third time on the sixth day of September, one thousand eight hundred and eighty, the said party of the second part did grant to the party of the first part the sum of seven thousand dollars by way of bonus, in the manner and on the conditions expressed in the said by-law ;

And whereas under and by virtue of a subsequent by-law of the said town, numbered ten and entitled, "To aid the Georgian Bay and Wellington Railway Company by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon," which said by-law was duly passed and read a third time on the tenth day of September, one thousand eight hundred and eighty, the said party of the second part did grant to the said party of the first part by way of bonus the sum of four thousand dollars, in the manner and upon the conditions expressed in the said by-law ;

And whereas it was one of the conditions of the last mentioned by-law, that the debentures representing the said bonus of four thousand dollars should not be delivered to the statutory trustees appointed under the charter of the party of the first part until a proper legal release of the debentures contemplated by the first of the above-named by-laws to the extent of four thousand dollars, being the ones to be issued under the terms of the said first mentioned by-law, upon the completion of the railway of the party of the first part to Owen Sound, should be delivered by the said party of the first part to the said party of the second part ;

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the delivery to the said statutory trustees of the debentures contemplated by the second of the above by-laws (when the same shall have been so delivered), the said party of the first part doth release, quit claim, and forever yield up to the party of the second part, its successors and assigns, all claims, rights and demands whatsoever, whether in possession or expectancy, and whether at law or in equity, or howsoever, which the party of the first part now has or may have in the future against the said party of the second part or its successors, or the ratepayers, or the property of the said town, for the issue of the said debentures to the extent of four thousand dollars, under the first of the above-mentioned by-laws, but nothing herein contained is in any way to impair the right of the said party of the first part to the remaining three thousand dollars of debentures contemplated under said first-mentioned by-law, in accordance with the conditions thereof, it being the intention of all parties to substitute the four thousand dollars of debentures to be issued under the second by-law for the like amount under the first by-law, and that the party

of the first part shall receive seven thousand dollars in all under both, according to the terms thereof.

In witness whereof the party of the first part has caused its corporate seal, and the hand of its president and secretary to be affixed hereto, the day and year first above written.

{ L. S. }

SCHEDULE "B."

This agreement made this tenth day of April, in the year of our Lord one thousand eight hundred and eighty, by and between the Georgian Bay and Wellington Railway Company of the first part, and the Grand Trunk Railway Company of Canada, of the second part: Witnesseth that the said parties have and hereby do covenant and agree each with the other in manner following, that is to say:—

1. That in this agreement the words "The Georgian Bay Company" shall mean the party of the first part, and the words "The Grand Trunk Company" shall mean the party of the second part.

2. That the Georgian Bay Company will proceed with the work of completing their line, and will finish and complete the same from Durham to a junction with the Stratford and Lake Huron Railway Company's line in or near the town of Palmerston, in the county of Wellington.

3. That they will ballast and fence their line and provide station and freight buildings, sidings, water supply, road and other crossings, railway ties, and all other things requisite to complete, and they will furnish and complete the said railway in all and each and every respect, to the entire satisfaction of the general manager for the time being of the Grand Trunk Company.

4. That they, the Grand Trunk Company will supply the iron for the road and will lay it during the summer months, and if reasonably possible, before the first of July now next, provided the said Georgian Bay Company have performed their part of the agreement, so that the Grand Trunk Company can reasonably get on with their work.

5. That for the purpose of ballasting and such like work, the Grand Trunk Company will supply an engine and cars free of charge.

6. That on the completion of the line the Grand Trunk Company will supply the necessary engine power and equipment, and will efficiently work the said line.

7. That the shares of the capital stock of the Georgian Bay Company shall be transferred to a person to be named by the Grand Trunk Company, so as to give them the control of the said line and the Georgian Bay Company's property connected therewith.

8. That when the work is completed, then the said capital stock shall be held by the person so named, or by some one to be approved or named by the Grand Trunk Company in place of such person, in trust for said Company.

9. That all accounts of contractors, and all claims and demands arising out of or connected with the work to be done by the Georgian Bay Company, also all land claims and damages to be paid and discharged by the Georgian Bay Company, or suitable provision to be made, to the satisfaction of the Grand

Trunk Company, for their discharge by the Georgian Bay Company.

In witness whereof the said parties hereto have hereunto affixed their corporate seals the day and year first above written.

{ L. S. }

2nd Session, 4th Legislature, 44 Vic, 1881

BILL.

An Act respecting the Georgian Bay and
Wellington Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. HUNTER.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to repeal so much of an Act passed in the Thirty-fourth year of Her Majesty's Reign, and of all other Acts as relates to a By-law of the County of Peterborough granting aid to the Grand Junction and to the Peterborough and Haliburton Railway Companies.

WHEREAS in the month of October, one thousand eight hundred and seventy, a proposed by-law of the corporation of the county of Peterborough, entitled "A by-law to provide for the aiding and assisting in the construction of the Grand Junction Railway and the Peterborough and Haliburton Railway, and for the issuing of debentures therefor to the amount of one hundred thousand dollars, to be given by way of bonus to the said the Grand Junction Railway Company, and the said the Peterborough and Haliburton Railway Company, in the manner and proportion following, that is to say:—seventy-five thousand dollars to the Grand Junction Railway Company, and twenty-five thousand dollars to the Peterborough and Haliburton Railway Company," was introduced and read a first and second time in the council of the said county of Peterborough, and was ordered by the said council to be published and to be submitted to the vote of the duly qualified electors of the said county, upon the sixteenth day of November, one thousand eight hundred and seventy; and whereas no vote was taken on the by-law ordered to be submitted by the council upon the said sixteenth day of November, but a vote was taken upon the twenty-third day of November, one thousand eight hundred and seventy, to which date the time for taking the vote was altered without the sanction of the council; and whereas in consequence of the said and other alterations in the by-law, and other irregularities in connection with such submission, the proposed by-law was looked upon by the ratepayers as wholly illegal, and only a small vote was polled thereon, giving a small majority of the votes cast in favor of the by-law; and whereas thereafter the said council, on the proposal to read the by-law a third time on the fourteenth day of December following, declined then to pass the same on the ground, amongst others, of the illegality thereof; and whereas thereafter the new council of the year one thousand eight hundred and seventy-one, elected while the question whether the so-called by-law should be passed or not was still agitated, on the twenty-seventh day of January, on a renewed proposal to read the said so-called by-law a third time, again and finally rejected the same; and whereas the said so-called by-law was never read a third time by the said council, nor finally passed and

signed and sealed, nor otherwise adopted as a by-law by said council; and whereas during the session of the Legislative Assembly for Ontario, held in the thirty-fourth year of Her Majesty's reign, a petition for a private Bill was presented for the purpose of enabling the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and for other purposes; and whereas after the said Bill had passed through the Private Bills Committee, through a second reading, and through the Committee of the whole House, and had been set down for a third reading, it was on the first day of February one thousand eight hundred and seventy-one, referred back to the Private Bills Committee for reconsideration; and whereas upon the said reference back, a provision was inserted in the said Bill, legalizing the said so-called by-law and declaring the same to be legal, valid and binding, as if the same had received the third reading of the county council of the county of Peterborough; and whereas the said Bill so amended was finally passed and became and is the Act chaptered forty-eight, passed in the said last-mentioned year, intituled "An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto and to legalize certain by-laws granting aid to the said company;" and whereas no notice was ever published or given to the corporation of the county of Peterborough of the intention to apply for an Act to legalize or declare valid the said so-called by-law, and no petition was ever presented for that purpose from the said corporation of the county of Peterborough, and the council of said corporation had not nor had the ratepayers of the said county any opportunity of opposing the said legislation, and the standing orders of the Legislative Assembly were not observed, and justice was not done in the premises, and it is expedient to repeal the said Act in that particular;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

So much of 34
Vic., c. 48. s.
2, and of all
other Acts as
relates to the
by-law in the
preamble
mentioned, re-
pealed.

1. So much of the second section of the Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chaptered forty-eight, intituled "An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain by-laws granting aid to the said company," as relates to the said so-called by-law in the preamble hereto mentioned, and of all other Acts and parts of Acts relating thereto, is hereby repealed.

By-law de-
clared void.

2. The said so-called by-law is hereby declared void and of no effect, and the said the corporation of the county of Peterborough are hereby declared exempt and free from all liability under the said so-called by-law, as if the same had never been passed or declared valid.

Act to apply
to pending pro-
ceedings.

3. This Act shall affect any action, suit or other proceeding to enforce the delivery of the debentures referred to in the said by-law which may be now pending.

BILL.

An Act to repeal so much of an Act passed in the Thirty-fourth year of Her Majesty's Reign, and of all other Acts as relates to a By-law of the County of Peterborough granting aid to the Grand Junction and to the Peterborough and Haliburton Railway Companies.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. SCOTT.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Village of Millpoint.

WHEREAS the corporation of the village of Millpoint have Preamble.
by their petition represented that they desire to change
the name of the said village, and that hereafter the same may
be known as the village of Deseronto; and whereas it is expe-
5 dient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows, that is to say :—

1. The name of the village of Millpoint, in the county of Name
10 Hastings, shall be and the same is hereby changed to the vil- changed.
lage of Deseronto, and hereafter the corporation of the
village of Millpoint shall be known as and called the corpora-
tion of the village of Deseronto.

2. All the by-laws of the said the corporation of the village By-laws,
15 of Millpoint shall, until altered or repealed by said corpora- elections ap-
tion, be and remain the by-laws of the said the corporation of pointments,
the village of Deseronto, and all elections held heretofore and etc., not affect-
appointments made, and which were and are in force at the ed.
passing of this Act, shall be held and taken in all respects as
20 if the same were made and had after the said change of name,
and in all and every respect whatsoever the said corporation
of the village of Deseronto shall be taken and held to be the
same as the corporation of the village of Millpoint.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Village of Mill-point.

First Reading,	1881.
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(*PRIVATE BILL.*)

Mr. DEROCHE.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Village of Millpoint.

WHEREAS the corporation of the village of Millpoint have Preamble.
by their petition represented that they desire to change
the name of the said village, and that hereafter the same may
be known as the village of Deseronto; and whereas it is expedient
to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The name of the village of Millpoint, in the county of Name
Hastings, shall be and the same is hereby changed to the vil- changed.
lage of Deseronto, and hereafter the corporation of the
village of Millpoint shall be known as and called the corpora-
tion of the village of Deseronto.

2. All the by-laws of the said the corporation of the village By-laws,
of Millpoint shall, until altered or repealed by said corpora- elections ap-
tion, be and remain the by-laws of the said the corporation of pointments,
the village of Deseronto, and all elections held heretofore and etc., not affect-
appointments made, and which were and are in force at the ed.
passing of this Act, shall be held and taken in all respects as
if the *said change of name had taken place when the same*
were made and had, and in all and every respect whatsoever
the said corporation of the village of Deseronto shall be taken
and held to be the same as the corporation of the village of
Millpoint.

BILL.

An Act respecting the Village of Mill-point.

(Reprinted as unended.)

First Reading, 26th January, 1881.

(PRIVATE BILL.)

Mr. DEROCHE.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Waterloo County Mutual Fire Insurance Company, of Ontario.

WHEREAS the Waterloo County Mutual Fire Insurance Preamble.
Company, of Ontario, has, by petition, prayed to be authorized to raise a share capital and to transact a cash premium business as well as a mutual business, and to change the name of the company; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

10 1. The name of the company shall hereafter be the Waterloo Name
Mutual Fire Insurance Company. changed.

2. The Waterloo Mutual Fire Insurance Company may raise a share or stock capital of not less than one hundred thousand dollars, and may increase the same from time to time to a sum
15 not exceeding five hundred thousand dollars. Power to raise share capital.

3. The said capital shall consist of shares of one hundred dollars each, and shall be allotted ratably to such persons as may subscribe therefor, in the manner prescribed by the board of directors. Amount and allotment of shares.

20 4. Every subscriber shall, upon allotment of one or more shares to him, become a member or corporator of the said company, with all incidental rights, privileges and liabilities, and shall be liable to pay the amount of such shares to the company in such proportions and at such times as may from time to
25 time be fixed by the board of directors ; and at all meetings of the company each shareholder shall be entitled to one vote for each share held by him, on which all calls shall have been paid : Provided that no shareholder shall be liable for the debts, engagements or liabilities of the company, or otherwise howsoever,
30 beyond the amount of his said shares or any balance unpaid thereof. Liabilities and rights of shareholders.

5. The said shares shall be personal estate and shall be transferable, but no transfer shall be valid unless made on the books of the said company ; and until fully paid up, no share
35 shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid ; and the company shall have a lien on the shares of any shareholder for unpaid calls, or other debts due by him to the company, and for any obligation held by the
40 company against him ; and after such call, debt or obligation Transfer of shares.

becomes due the company may, upon one month's notice to the shareholder, his executors or administrators, sell such shares or a sufficient portion thereof to pay such call, debt or obligation, and transfer the shares so sold to the purchaser.

Forfeiture of shares.

6. The company may also, after default made in the payment of any call upon any share for one month, and after notice having been first given, as in the next preceding section mentioned, declare such share and all sums previously paid thereon forfeited to the company, and the company may sell or re-issue forfeited shares on such terms as they shall think fit, for the benefit of the company. 5 10

When company may do cash premium business.

7. After the sum of one hundred thousand dollars of the said stock or share capital has been *bona fide* subscribed, and twenty per centum paid thereon into the funds of the said company, the said company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member or corporator of the company, or make him liable to contribute or pay any sum to the company or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to any participation in the profits or surplus funds of the company; but the company shall not transact any such business on the wholly cash principle without first procuring a license from the Provincial Treasurer, and for this purpose the provisions of the Ontario Insurance Act, except section nine, shall apply to the company, except so far as anything contained therein may be inconsistent with this Act. 15 20 25

Application of profits.

8. The net annual profits and gains of said company, not including therein any premium notes or undertakings, shall be applied in the first place, to pay a dividend on the said share capital not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. 30

Qualification of directors.

9. After the share capital has been raised as aforesaid, no person shall be eligible or qualified to be a director of the said company, unless in addition to the qualification required by the fourteenth section of the Act respecting Mutual Fire Insurance Companies, he is also a holder of shares of the said capital stock to the amount of three thousand dollars, on which all calls have been fully paid and satisfied. 35 40

By-laws.

10. The board of directors may make such by-laws as may be necessary to carry the provisions of this Act into effect, and may rescind, alter, vary, or add to the same from time to time.

R. S. O., c. 162, to apply.

11. The Fire Insurance Policy Act shall apply to the said company. 45

BILL.

An Act respecting the Waterloo County
Mutual Fire Insurance Company, of
Ontario.

First Reading,
1881.

(PRIVATE BILL.)

Mr. SPRINGER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Credit Foncier Franco-Canadien.

WHEREAS the Credit Foncier Franco-Canadien, incorporated by the statute of the Province of Quebec, passed in the forty-third and forty-fourth year of Her Majesty's reign, and chaptered sixty, has prayed that the power of transacting the business of loaning money on mortgage or otherwise, in the Province of Ontario, be conferred upon it; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows:—

- 10 1. It shall be lawful for the corporation created and constituted under the name of Credit Foncier Franco-Canadien, by the statute of the Province of Quebec, cited in the preamble, to exercise the powers hereinafter mentioned in the Province of Ontario;
- 15 (1) To lend money as a first charge on bond and mortgage on real estate situate within the Province of Ontario, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;
- 20 (2) To lend money upon the hypothecation of bonds and mortgages, being a first charge on real estate situate within the Province of Ontario, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;
- 25 (3) To lend on mortgage or otherwise to municipal or school corporations, in the Province of Ontario, such sums of money as they may be authorized to borrow, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;
- 30 (4) To acquire by assignment, bonds and mortgages being a first charge upon real estate situate in the Province of Ontario;
- (5) To purchase bonds or debentures issued by municipal or school corporations in the Province of Ontario, and by incorporated companies doing business in the Province, and to sell the same if deemed advisable;
- 35 (6) To make loans to the Government of the Province of Ontario, and purchase public securities of the Province, and sell the same if deemed advisable.

Preamble.

Powers to be exercised by Credit Foncier in Ontario.

2. The corporation shall accept as security only real estate of which the revenues are deemed sufficient.

Security to be taken.

- (1) The amount of each loan shall not exceed one-half of the estimated value of the real estate mortgaged therefor, and the annuity which the borrower may oblige himself to pay shall not exceed the net revenue which it may be estimated that the property might yield.

(2) The valuation of property offered as security shall be made on the double basis of the net revenue which it is susceptible of yielding and of the price which it would bring if sold.

Power to form divisions of Province for purposes of business.

3. For the transaction of business the board of management may, if it deems proper, divide the Province of Ontario into two or more divisions, and may subsequently re-divide such divisions and form others. 5

Branch offices.

4. A branch office or agency may be established in the city of Toronto, and at such other places in the Province of Ontario as the board of management may deem advisable. 10

Corporation may sue and be sued in Ontario.

5. The corporation may sue and be sued, complain and defend, in any court of law or equity in the Province of Ontario.

(1) Service of process may be made upon the corporation at its branch offices or agencies in the Province of Ontario; and if the corporation have no known branch office or agency in the Province, then, upon return to that effect, the Court may order notice to be given for one month in the *Ontario Gazette*, and such publication shall be held to be due service upon the corporation. 15 20

Appointment and duties of managers.

6. A manager or agent may be appointed to administer the affairs of the corporation in the Province of Ontario, or in any division thereof which may be established by the board of management, and when a manager is appointed he shall have the powers conferred and be subject to the obligations imposed upon managers by the statute constituting the corporation. 25

President to execute a procuration to manager to act for corporation.

7. The president shall, after the appointment of a manager execute in duplicate a procuration countersigned by the secretary, authorizing him to act within the limits of his powers, for and in the name of the corporation; 30

(1) A duplicate of the procuration shall be deposited in the office of the Provincial Secretary, and the latter shall give notice in the *Ontario Gazette* of such appointment, and of the deposit of the procuration;

(2) All registrars and all courts in the Province of Ontario shall be held, after such notice, to receive all deeds passed by the manager within the limits of his powers, and before the publication in the *Gazette* of a notice of the revocation of the procuration, as sufficient, without requiring any proof of his power to act. 35 40

Power to acquire real estate necessary for offices.

8. The corporation may acquire and hold such real estate as may be necessary for its offices for the transaction of its business in the Province of Ontario, but the value of the real estate acquired in each division, for such purpose, shall not exceed at the time of acquisition the sum of twenty-five thousand dollars; it may, from time to time, lease, mortgage, sell, or otherwise dispose of, such real estate; it may also, for the protection of its investments, purchase and hold real estate mortgaged in its favor, but it shall sell, or otherwise dispose of, such real estate so acquired in payment, or for the protection of its claims, within seven years from the acquisition thereof; meantime it may, from time to time, mortgage or lease the real estate so acquired and held. 45 50

BILL.

An Act respecting the Credit Foncier
Franco-Canadien.

First Reading: , 1881.

(*PRIVATE BILL*.)

Mr. MACMASTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Credit Foncier Franco-Canadien.

WHEREAS the Credit Foncier Franco-Canadien, incorporated by the statute of the *Legislature* of the Province of Quebec, passed in the forty-third and forty-fourth year of Her Majesty's reign, and chaptered sixty, has prayed that the power of transacting the business of loaning money on mortgage or otherwise, in the Province of Ontario, be conferred upon it; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows:—

1. It shall be lawful for the corporation created and constituted under the name of Credit Foncier Franco-Canadien, by the statute of the *Legislature* of the Province of Quebec, cited in the preamble *hereto*, to exercise the powers hereinafter mentioned in the Province of Ontario;

Powers to be exercised by Credit Foncier in Ontario.

(1) To lend money as a first charge on bond and mortgage on real estate situate within the Province of Ontario, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;

(2) To lend money upon the hypothecation of bonds and mortgages, being a first charge on real estate situate within the Province of Ontario, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;

(3) To lend on mortgage or otherwise to municipal or school corporations, in the Province of Ontario, such sums of money as they may be authorized to borrow, repayable either at long date by annuities or at short date, with or without progressive sinking of the debt;

(4) To acquire by assignment, bonds and mortgages being a first charge upon real estate situate in the Province of Ontario;

(5) To purchase bonds or debentures issued by municipal or school corporations in the Province of Ontario, and by incorporated companies doing business in the Province, and to sell the same if deemed advisable;

(6) To make loans upon or purchase public securities of this Province, and sell the same if deemed advisable.

2. The corporation shall accept as security only real estate of which the revenues are deemed sufficient.

Security to be taken.

(1) The amount of each loan shall not exceed one-half of the estimated value of the real estate mortgaged therefor, and the annuity which the borrower may oblige himself to pay shall not exceed the net revenue which it may be estimated that the property might yield.

(2) The valuation of property offered as security shall be made on the double basis of the net revenue which it is susceptible of yielding and of the price which it would bring if sold.

Power to form divisions of Province for purposes of business. **3.** For the transaction of *the business of the said corporation* the board of management *provided for by the said Statute of the Legislature of the Province of Quebec*, may, if it deems proper, divide the Province of Ontario into two or more divisions, and may subsequently re-divide such divisions and form others. 5 10

Branch offices. **4.** A branch office or agency may be established in the city of Toronto, and at such other places in the Province of Ontario as the *said* board of management may deem advisable.

Corporation may sue and be sued in Ontario. **5.** The corporation may sue and be sued, complain and defend, in any court of law or equity in the Province of Ontario. 15
(1) Service of process may be made upon the corporation at its branch offices or agencies in the Province of Ontario; and if the corporation have no known branch office or agency in the Province, then, upon return to that effect, the Court may order *service by publication*, by a notice to be given for one month 20 in the *Ontario Gazette*, and such publication shall be held to be due service upon the corporation.

Appointment and duties of managers. **6.** A manager or agent may be appointed to administer the affairs of the corporation in the Province of Ontario, or in any division thereof which may be established by the *said* board of management, and when a manager is appointed he shall have the powers conferred and be subject to the obligations imposed upon managers by the statute constituting the corporation 25 *except as otherwise by this Act provided.*

Official seal. **7.** Such corporation may commit to the custody of such manager or agent for the time being, an official seal for the purpose of executing in this Province, such deeds and instruments as may be necessary in carrying out the objects of the corporation therein; and such seal from time to time, may withdraw alter or renew, and such seal shall be deemed and 35 taken to be the corporate seal of such corporation for the execution of all instruments within this Province, and every deed, conveyance, lease, assignment of mortgage, discharge of mortgage or other written instrument of any kind purporting to be under the corporate seal of the said corporation, or under the aforesaid official seal, entrusted to such manager or agent, shall be receivable in evidence as *prima facie* proof in any court of law or equity in any legal or equitable proceeding of a civil nature in this Province, and also for the purposes of "the Registry Act," that such deed, conveyance, lease, assignment 45 of mortgage, discharge of mortgage, or other written instrument has been duly executed by such corporation, without any further proof of the said corporate or official seal, or of either of them, or of the appointment, official character or signature of the person or persons purporting to have affixed 50 such seal or seals, or to have acted as such manager or agent. 

8. The president of *said corporation* shall, after the appointment of *any such manager* execute in duplicate a procuration countersigned by the secretary of *said corporation*, authorizing *such manager* to act within the limits of his powers, for
 5 and in the name of the corporation ;

President to execute a procuration to manager to act for corporation.

(1) A duplicate of the procuration shall be deposited in the office of the Provincial Secretary, and the latter shall give notice in the *Ontario Gazette* of such appointment, and of the deposit of the procuration ;

10 (2) All registrars and all courts in the Province of Ontario shall be held, after such notice, to receive all deeds passed by the manager within the limits of his powers, and before the publication in the *Ontario Gazette* of a notice of the revocation of the procuration, as sufficient, without requiring any proof of his
 15 power to act.

9. The *said corporation* may acquire and hold such real estate as may be necessary for its offices for the transaction of its business in the Province of Ontario, but the value of the real estate acquired for such purpose, shall not at *any time* exceed
 20 the sum of *one hundred* thousand dollars ; it may, from time to time, lease, mortgage, sell, or otherwise dispose of, such real estate ; it may also, for the protection of its investments, purchase and hold real estate mortgaged in its favour, but it shall sell, or otherwise dispose of, such real estate so acquired
 25 in payment, or for the protection of its claims, within seven years from the acquisition thereof ; meantime it may, from time to time, mortgage or lease the real estate so acquired and held.

Power to acquire real estate necessary for offices.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Credit Foncier
Franco-Canadien.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. MACMASTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Charter of Incorporation of the
Canada Rolling Stock Company.

WHEREAS under the provisions of the Ontario Joint Stock Preamble.

Companies' Letters Patent Act a charter was granted by the Lieutenant-Governor in council, whereby the Canada Rolling Stock Company became incorporated; and whereas the said company, from the nature of its business, will require to borrow money from time to time from banks and other sources on the security of mortgage or pledge of, or other lien upon, specified property and assets of the company, and under the provisions of the laws relating to banking, in force in Canada, banks are not permitted to advance money upon mortgage security, and it is expedient to enable said company to issue debentures;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the board of directors of the company from time to time, and the board is hereby empowered under the authority of a by-law of the board to issue from time to time, as occasion may require for the purposes of the company, debentures to be called preferential debentures, executed by the president for the time being of the company, and countersigned by the secretary of the company, payable to bearer at such times and places, and bearing such rate of interest, and payable in such manner, and either at one time or at different dates, as may be determined at the time of such issue, and which debentures and interest shall, without registration or other formal conveyance, be taken and considered to be first and preferential claims and charges upon such property, real and personal, rights and credits of the company, as shall be specified in the by-law authorizing such issue, and each by-law authorizing such issue shall state the total amount of preferential debentures to be issued under such by-law; and each holder of said preferential debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of preferential debentures issued under and by virtue of the same by-law upon all the property, real and personal, rights and credits specified in the by-law authorizing such issue.

Issue of preferential debentures authorized.

2. The said preferential debentures shall be assignable by delivery, may be sold, pledged or hypothecated, and may be in the form set forth in the schedule to this Act, or to the like effect.

Transfers of debentures.

3. Before issuing the debentures by any such by-law authorized to be issued, a copy of such by-law certified under the seal of the company, shall be filed in the office of the clerk of the county court of the county of York, who shall be entitled to receive for such filing the sum of twenty-five cents.

Each by-law authorizing the issue of debentures to be filed in office of county court clerk.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to amend the Charter of Incorporation of the Canada Rolling Stock Company.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. GIBSON (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend the Charter of Incorporation of the
Victoria Rolling Stock Company of Ontario.

WHEREAS under the provisions of the Ontario Joint Stock Preamble.
 Companies' Letters Patent Act a charter was granted by
 the Lieutenant-Governor in Council, whereby the *Victoria Roll-*
ing Stock Company of Ontario became incorporated; and
 5 whereas the said company, from the nature of its business, will
 require to borrow money from time to time from banks and
 other sources on the security of mortgage or pledge of, or other
 lien upon, specified property and assets of the company, and
 under the provisions of the laws relating to banking, in force
 10 in Canada, banks are not permitted to advance money upon
 mortgage security, and it is expedient to enable said company
 to issue debentures;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 15 as follows:—

1. It shall be lawful for the board of directors of the com-
 pany from time to time, and the board is hereby empowered
 under the authority of a by-law of the board *from time to*
time passed to issue from time to time, as occasion may require
 20 for the purposes of the company, debentures to be called prefer-
 ential debentures, executed by the president for the time being
 of the company, and countersigned by the secretary of the
 company, payable to bearer at such times and places, and
 bearing such rate of interest, and payable in such manner, and
 25 *either at one time or at different dates, as may be stated in*
the by-law authorizing such issue, and which debentures and
interest shall, without registration or other formal conveyance,
 be taken and considered to be first and preferential claims and
 charges upon such *personal* property, rights and credits of the
 30 company, as shall be specified in the by-law authorizing such
 issue, and each by-law authorizing such issue shall state the
 total amount of preferential debentures to be issued under
 such by-law; and each holder of said preferential debentures
 shall be deemed to be a mortgagee and incumbrancer *pro rata*
 35 with all the other holders of preferential debentures issued
 under and by virtue of the same by-law upon all the property,
 real and personal, rights and credits specified in the by-law
 authorizing such issue:  Provided always that it shall not
 be lawful for the company to pass a second or other by-law
 40 for authorizing the issue of debentures to be charged on such
 of its property, rights or credits as are already charged with
 debentures issued under a previous by-law, until it shall have
 paid and satisfied all outstanding debentures charged on such
 property, rights or credits by said previous by-law. 

Issue of pre-
 ferential de-
 bentures
 authorized.

Transfers of
debentures.

2. The said preferential debentures shall be assignable by delivery, may be sold, pledged or hypothecated, and may be in the form set forth in the schedule to this Act, or to the like effect.

Each by-law
authorizing
the issue of
debentures to
be filed in
office of county
court clerk.

3. Before issuing the debentures by any such by-law au- 5
thorized to be issued, a copy of such by-law certified under the
seal of the company, shall be filed in the office of the clerk of
the county court of the county of York, who shall be entitled
to receive for such filing the sum of twenty-five cents.

Yearly state-
ment to be
filed with clerk
of county
court of York.

4. In the month of January in each year the company 10
shall file with the clerk of the county court of the county of
York a statement, under oath, of the president or manager of
the company, shewing the total amount then owing on the
debentures issued under any by-law authorizing such issue.

SCHEDULE.

Debenture No.

TRANSFERABLE.

The VICTORIA ROLLING STOCK COMPANY OF ONTARIO prom-
ise to pay to the bearer hereof the sum of on the
day of at in the city of
(or as the case may be) with interest at the rate of per
cent. per annum, to be paid (yearly, half-yearly, or otherwise,
as the case may be) on presentation of the proper coupon for
the same, as hereunto annexed, say on the day of the
month (or months of, as the case may be), in each year, at

N.B.—This debenture is one of a total issue amounting to
dollars, issued under the authority of a by-law of
the company passed on the day of and filed
in the office of the clerk of the County Court of the County
of York.

Dated at this day of 18 .

President.

Secretary.

No.

COUPON.

(Half) yearly dividend due the day of 18 ,
on Debenture number issued by The Victoria Rolling
Stock Company of Ontario on the day of 18 ,
for dollars at per cent. per annum, payable at

Secretary. 

BILL.

An Act to amend the Charter of Incorporation of the *Victoria Rolling Stock Company of Ontario*.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. GIBSON (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON

An Act to amend the Acts incorporating the Toronto
Gravel Road and Concrete Company.

WHEREAS by the Act passed in the thirty-sixth year of ^{Preamble.}
the reign of Her Majesty Queen Victoria, chaptered one
hundred and fourteen, "The Toronto Gravel Road and Concrete
Company" was incorporated and was empowered to make, build
5 or construct gravel roads or concrete roads, or roads composed
of any combination of gravel or other substances or materials
whatsoever, and by the Act passed in the thirty-seventh year
of the reign of Her Majesty Queen Victoria, chaptered ninety,
the said company was empowered to lay out and construct a
10 double or single tramway from the gravel beds or pits in the
township of Scarborough, through the township of York, to
some point within the city of Toronto, and to take and hold
all lands necessary for the purposes of their road or way, and
to carry and transport on and over their said roadway in cars,
15 carriages or other vehicles, gravel, sand and other property, and
passengers, and were empowered to construct a wire tramway
and to operate and work the same by a stationary steam engine
or engines, and it was by the said Act provided that the said road
might be worked by horse or other power, but if by steam, the
20 rate of travelling should not be greater than ten miles per hour;
and whereas it was thereby also enacted that the councils of
the municipalities through or in which the said tramway or
roads might be laid out or constructed, might permit the said
company to construct the same or some part thereof along and
25 upon the highways and streets, upon such terms as might be
agreed upon between them; and whereas the said company,
prior to the construction of the said tramway, being about to
construct the same under the authority of the said Act, applied
to the corporation of the county of York for permission to
30 construct a part of the same along and upon a portion of the
Kingston road, a public highway vested in the said the corpor-
ation of the county of York, and the council of their said
corporation gave such permission, but when such permission
was given it was not known to the said council of the said
35 corporation that the said company proposed to use locomotive
or other steam engines in working their said tramway, but on
the contrary it was represented to the said council that the
said tramway was to be worked by horse power; and whereas
the said tramway has been constructed by the said company,
40 and a portion of the same has been constructed along and upon
the said Kingston road, and the same has been worked by
horse-power; and whereas the said company have recently
commenced to use locomotive engines in working their said
tramway, contrary to the understanding upon which the said
45 corporation of the county of York gave their permission for

the construction of the said tramway along the Kingston road aforesaid, and such use of locomotive engines along and upon the said Kingston road is injurious to the said corporation of the county of York and dangerous to the public and others using and travelling upon the said Kingston road; and whereas the corporation of the county of York has presented a petition praying that the said Acts incorporating and relating to the said company may be amended by declaring and enacting that the said company shall not have power to use locomotive or other steam engines in working their said tramway or so much of the same as may be upon or adjoining the Kingston road aforesaid or any travelled highway, and otherwise amending the said Acts so as to provide for the security of the public and others using and travelling upon such roads and highways, and by repealing any provisions in the said Acts inconsistent with such amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

37 Vic., c. 90,
s. 1, amended.

1. The first section of the said Act, passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, chaptered ninety, is hereby amended by striking out the words in the last three lines of the said section, "and the said road may be worked by horse or other power, but if by steam, the rate of travelling shall not be greater than ten miles per hour," and by inserting in lieu thereof the words "and the said tramway may be worked by horse-power."

S. 3, amended,

2. The third section of the last-mentioned Act is hereby amended by adding thereto the following words: "Provided always, that the said company shall have no power to use locomotive or other steam engines in working their said tramway or so much of their said tramway as may be constructed upon, along or adjoining the travelled road known as the Kingston road, or any travelled highway."

BILL.

An Act to amend the Acts incorporating the
Toronto Gravel Road and Concrete Com-
pany.

First Reading, , 1881.

(*PRIVATE BILL.*)

Mr. PATTERSON.

TORONTO:

PRINTED BY C. BLACETT ROBINSON.

An Act to amend the Acts incorporating the Toronto
Gravel Road and Concrete Company.

WHEREAS by the Act passed in the thirty-sixth year of Preamble.
the reign of Her Majesty Queen Victoria, chaptered one
hundred and fourteen, "The Toronto Gravel Road and Concrete
Company" was incorporated and was empowered to make, build
5 or construct gravel roads or concrete roads, or roads composed
of any combination of gravel or other substances or materials
whatsoever, and by the Act passed in the thirty-seventh year
of the reign of Her Majesty Queen Victoria, chaptered ninety,
the said company was empowered to lay out and construct a
10 double or single tramway from the gravel beds or pits in the
township of Scarborough, through the township of York, to
some point within the city of Toronto, and to take and hold
all lands necessary for the purposes of their road or way, and
to carry and transport on and over their said roadway in cars,
15 carriages or other vehicles, gravel, sand and other property, and
passengers, and were empowered to construct a wire tramway
and to operate and work the same by a stationary steam engine
or engines, and it was by the said Act provided that the said road
might be worked by horse or other power, but if by steam, the
20 rate of travelling should not be greater than ten miles per hour;
and whereas it was thereby also enacted that the councils of
the municipalities through or in which the said tramway or
roads might be laid out or constructed, might permit the said
company to construct the same or some part thereof along and
25 upon the highways and streets, upon such terms as might be
agreed upon between them; and whereas the said company,
prior to the construction of the said tramway, being about to
construct the same under the authority of the said Act, applied
to the corporation of the county of York for permission to
30 construct a part of the same along and upon a portion of the
Kingston road, a public highway vested in the said the corpor-
ation of the county of York, and the council of their said
corporation gave such permission, but when such permission
was given it was not *contemplated by* the said council of the
35 said corporation that the said company proposed to use a *steam*
motor, or other steam engines in working their said tramway,
and whereas the said tramway has been constructed by the said
company, and a portion of the same has been constructed along
and upon the said Kingston road, and the same has been worked
40 by horse-power; and whereas the said company have recently
commenced to use a *steam motor* in working their said tram-
way, and such use of *such* engines along and upon the said
Kingston road is dangerous to the public and others using and
travelling upon the said Kingston road; and whereas the corpor-
45 ation of the county of York has presented a petition praying
that ~~the~~ the said company may be prevented from using steam

power on their said tramway along and upon the said Kingston Road, so far as such prohibition may be needful for the reasonable protection of the public using the said Kingston Road; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company not to use steam engines on Kingston Road.

1. The said company shall hereafter have no power to use locomotives or steam motors, or other steam engines, upon or along the travelled road in the county of York known as the Kingston Road, in working so much of the tramway of the said company as is now constructed upon or along the said Kingston Road, unless and until the council of the said county of York, by by-law or resolution, permit the said company to do otherwise.

Pending cause not affected.

2. Nothing in this Act contained shall prejudice or affect the rights or contention of either the said the corporation of the county of York or the said company in a certain cause now pending in the court of chancery for Ontario, wherein the said the corporation of the county of York are plaintiffs, and the said company defendants, and the matters in question in the said cause shall be disposed of and determined as if this Act had not been passed.

Provision for compensation to company should the court deem them entitled thereto.

3. In case it shall be determined in the said cause that the said the corporation of the county of York are not entitled to an injunction or decree which would have the effect of preventing the said company from using steam motors or engines upon the said tramway, the court or judge before whom the said cause shall be heard, shall at the hearing of the said cause, ascertain and determine whether under all the circumstances as they may be established at the said hearing, the said company is entitled to receive or to be awarded any compensation from the said the corporation of the county of York for not being permitted to use locomotives or steam motors or other steam engines upon the said tramway under the provisions of the first section of this Act, and to fix the amount of such compensation, if any, and such evidence as may be necessary for the determination of the said question may be offered and given by and on behalf of the said parties to the said cause without any amendment of the pleadings, and in considering the said circumstances the said tramway is to be regarded as a tramway for the conveyance of passengers and parcels only, and no claim is to be made by the said company in respect of their gravel pits or lands, or for any difference in the value of them of the said gravel pits or lands heretofore used or worked in connection with the said tramway; and the court or judge shall allow credit to the said the corporation of the county of York for such sums as the said company should have paid for tolls under the agreement between the said parties in case the said tramway had been worked by horse power, and such damages, if any, as the said the corporation of the county of York may have heretofore sustained or may sustain in the future through the construction of the said tramway, if worked by steam, upon the said road, including the injury to the said road, the loss or diminution of tolls payable by the travelling public,

and the diverting of travel and traffic therefrom, as well as the increased exposure and liability to actions against the said the corporation of the county of York by persons travelling upon or using the said road.

5 4. In case it shall be determined that the said company is entitled to be paid compensation, as aforesaid, the said, the corporation of the county of York, shall, within fourteen days after service of the decree declaring the ascertainment of the amount thereof, elect either to pay the same or not to pay the
10 same, and, in the latter event, to permit the said company to use steam motors upon the said tramway; and in case the said, the corporation or the county of York, shall elect to pay the amount of such compensation, as aforesaid, the same shall be payable forthwith, and the said company shall be entitled to
15 an order from the said court, in the said cause, for the payment of the same.

If compensation awarded, corporation of York to elect whether to pay same or permit use of steam engines.

5 5. In case the said, the corporation of the county of York, shall elect not to pay the said compensation when so ascertained, but to permit the said company to use steam motors upon the
20 said road, the said company shall thereafter be entitled to use steam motors upon the said tramway, and the corporation of the county of York shall pay such costs of and incidental to the said suit and enquiry as the court may order or decree to be paid to the said company, and the damages (if any) sustained
25 by the removal, in the interval, of the steam motor now in use on the said tramway, unless the corporation of the county of York shall consent to the same being used during such interval; and in case the said, the corporation of the county of York, shall elect not to pay the said compensation, but to permit the
30 said company to use steam motors upon the said road, the said company shall, so long as the said road is a toll road, pay to the said, the corporation of the county of York, half yearly, on the first day of January and July in each year, such sum as would have been payable by the said company to the said, the
35 corporation of the county of York, within the half year then preceding, in case the cars of the said company were drawn by horses.

If corporation elect not to pay compensation, company empowered to use engines.

6. The said, the corporation of the county of York, shall not be liable for any damages occasioned to or sustained by any
40 person or persons on the said tramway, or on account of the contraction of the space reserved or available for ordinary travel and traffic along the said road, or on account of the ditches along the same, or on account of the said tramway being constructed or worked upon or along the said road, or for any
45 accident or injuries to any person or persons travelling upon the said road, in whole or in part caused by the said tramway, or by any steam motor or engine, car, or other vehicle of the said company.

Corporation not liable for damages occasioned in whole or in part by tramway.

BILL.

An Act to amend the Acts incorporating the
Toronto Gravel Road and Concrete Com-
pany.

(Reprinted as Amended.)

First Reading, 27th January, 1881.

(PRIVATE BILL.)

Mr. PATTERSON.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to erect the District of Muskoka into the Judicial County of Muskoka, and the District of Parry Sound into the Judicial County of Seguin.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the day of
5 in the year of our Lord one thousand eight hundred and eighty-one, the following townships:—

Territory comprised in the judicial county of Muskoka.

- | | | |
|----|--------------|-----------------|
| | 1. Baxter, | 12. Monck, |
| | 2. Brunel, | 13. Morrison, |
| | 3. Cardwell, | 14. Muskoka, |
| 10 | 4. Chaffey, | 15. Oakley, |
| | 5. Draper, | 16. Ridout, |
| | 6. Franklin, | 17. Ryde, |
| | 7. Freeman, | 18. Sinclair, |
| | 8. Gibson, | 19. Stephenson, |
| 15 | 9. Macaulay, | 20. Stisted, |
| | 10. McLean, | 21. Watt, |
| | 11. Medora, | 22. Wood, |

and the villages of Bracebridge and Gravenhurst;

And including the islands in the Georgian Bay, lying west
20 of the said territory, and adjacent thereto, and the islands in the River Severn, lying northerly of the middle of the main channel of the River Severn, and adjacent to the townships of Baxter, Wood, and Morrison;

Shall form an unincorporated county by the name of the "Judicial County of Muskoka," and from and after such date any
25 territory within the said county of Muskoka now included within or attached to either the county of Simcoe or the county of Victoria, for any judicial or municipal purpose, shall cease to belong to or be attached to such county.

30 2. From and after the said day, the townships of:—

Territory comprised in the judicial county of Seguin.

- | | | |
|----|---|----------------|
| | 1. Armour, | 12. Croft, |
| | 2. Bethune, | 13. Ferguson, |
| | 3. Blair, | 14. Ferrie, |
| | 4. Brown, | 15. Foley, |
| 35 | 5. Burpee, <i>to be here-
after called.</i> | 16. Gurd, |
| | 6. Burton, | 17. Hagerman, |
| | 7. Carling, | 18. Hardy, |
| | 8. Chapman, | 19. Harrison, |
| 40 | 9. Christie, | 20. Himsworth, |
| | 10. Conger, | 21. Humphry, |
| | 11. Cowper, | 22. Joly, |
| | | 23. Laurier, |

24. Lount,	34. Nipissing,	
25. Machar,	35. Patterson,	
26. Mills, to be hereafter called.	36. Perry,	
27. McConkey,	37. Pringle,	
28. McDougall,	38. Proudfoot,	5
29. McKellar,	39. Ryerson,	
30. McKenzie,	40. Shawanaga,	
31. McMurrich,	41. Spence,	
32. Monteith,	42. Strong,	
33. Mowat,	43. Wallbridge,	10
	44. Wilson,	

together with any additional territory included within the following limits, namely :

Commencing at a point where the southerly boundary of the township of Conger intersects the waters of the Georgian Bay, being the south-west corner of the township of Conger, thence easterly along the southerly boundary of the townships of Conger and Humphry to the south-east corner of the township of Humphry, thence northerly along the easterly boundary of Humphry to the north-east corner of Humphry, thence easterly along the southerly boundaries of the townships of Monteith, McMurrich, Perry and Bethune, to the south-east corner of Bethune, thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier, to the southerly boundary of the township of Himsworth, thence along the southerly and easterly boundaries of Himsworth to the north-east corner of Himsworth, thence westerly along the northerly boundary of Himsworth to Lake Nipissing, thence to the nearest part of the main channel of Lake Nipissing, thence westerly along the main channel of the said Lake and along the main channel of French River to its most westerly mouth at the intersection of the easterly boundary of the district of Algoma with the waters of the Georgian Bay ; thence south-easterly along the easterly shore of the said Georgian Bay to the place of beginning, and also Parry Island, and the islands opposite to and along the shore of the said portion of Georgian Bay ;

Shall form an unincorporated county by the name of the Judicial County of Seguin ; and from and after such date any territory within the said County of Seguin, now included within or attached to either the County of Simcoe or the temporary judicial district of Nipissing, for any judicial or municipal purpose, shall cease to belong to or be attached to such county or district.

Each of above districts a county for purposes of administration of justice.

3. Each of the said counties shall be a county within the meaning of that term as used in chapters sixteen, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, seventy-eight, and one hundred and eleven of the Revised Statutes of Ontario, and for all other purposes relating to the administration of justice, and wherever the word "county" or "counties" is used in any other statute of this Province heretofore passed, or which may be hereafter enacted, the said word shall be taken to include the said counties of Muskoka and Seguin, unless where the context cannot be applied to an unincorporated county, or is otherwise inapplicable to the said counties.

Provisions of R. S. O., c. 7,

4. From and after the said day the provisions of the revised statute respecting the territorial districts of Muskoka, Parry

Sound and Thunder Bay shall be repealed, as respects the territories included in the said counties. not to apply to above counties.

5. The repeal of the Act mentioned in the last section shall not prevent the sheriff of the county of Simcoe from proceeding upon and completing the execution or service within either of the said counties of Muskoka or Seguin of any writ of mesne, or final process, in his hands upon the day the repeal takes effect, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said sheriff in that behalf shall be, and be held and construed to be, legal and valid, in the same manner, and to the same extent, as if such repeal had not taken place, but no further: Provided, that this section shall not be held to authorize the said sheriff to execute within either of the said counties of Muskoka or Seguin any writ which does not depend for its priority upon a former writ executed by him. (*Vide* R. S. O. 174, s. 46.) Sheriff of Simcoe may complete execution and service of process in certain cases.

6. Notwithstanding such repeal, the division courts, as established at the time such repeal takes effect, and the officers thereof, shall be continued until changed by lawful authority; and until a county court judge is appointed by the Governor-General for the said counties, respectively, the stipendiary magistrates shall preside in such courts, and shall have in all respects with reference thereto, and to proceedings therein, the authority which the county court judge would have, but in the names of such division courts "the County of Muskoka," and "the County of Seguin," shall be respectively substituted for "the district of Muskoka," and "the district of Parry Sound."

7. No unsatisfied writ against lands or goods in the hands of the sheriff of the said county of Simcoe on the day the said repeal takes effect, shall bind lands or goods situate within the limits of either of the said counties of Muskoka or Seguin, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year, shall have placed a writ against lands or goods (as the case may require), in the hands of the sheriff of the county in which the lands or goods are situate, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of Simcoe shall continue to bind such lands or goods, and shall retain its priority so long as such indorsed writ remains in force: Provided that such person shall not in the meantime have permitted his writ in the hands of the said sheriff of Simcoe to expire, or shall not have otherwise lost his priority. Existing division courts continued. Stipendiary magistrates to preside in division courts. How priority of unsatisfied writs in the hands of the sheriff of Simcoe may be retained.

8. From and after the said day the provisions of the Revised Statute respecting the establishment of Municipal Institutions in the districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, shall no longer apply to any territory within either of the said counties, and the municipalities within such counties formed thereunder, and the officers of such municipalities shall thenceforth be subject to the provisions of this Act. R. S. O., c. 175, not to apply any longer to territory in new counties.

Justices of the peace may be appointed.

9. The Lieutenant-Governor may from time to time appoint fit and proper persons to be and act as justices of the peace in and for each of the said counties, and it shall not be necessary for any such justices of the peace to possess any property qualification. (*Vide* R. S. O., 7, s. 7.)

5

Coroners, etc., for said districts to continue for said counties.

10. All coroners, justices of the peace, and commissioners for taking affidavits, in the several courts of law and equity in this province, appointed for the said districts of Muskoka and Parry Sound respectively, and the registrars of deeds therefor, shall, after the said day, be coroners, justices, commissioners, 10 and registrars of deeds, for the said counties of Muskoka and Seguin, respectively, during the pleasure of the Lieutenant-Governor.

Selectors of jurors.

11. The judge of the county court, the clerk of the peace, and the sheriff, or in his absence his deputy, of each county (any 15 two of whom shall be a quorum), shall be *ex officio* the selectors of jurors from the jurors' rolls in such county. (*Vide* 42 Vic. c 4, secs. 3 and 14.)

Precepts for jurors not to be issued nor sittings of courts appointed when not required.

12. It shall not be necessary to issue precepts for the return of panels of grand or petit jurors for any sittings of either 20 the county court, or the general sessions of the peace, of either of the said counties, or of any court of assize, nisi prius, oyer and terminer, or general gaol delivery, to be held therein, if it appears to the judge of the said county court, or to the judges or commissioners authorized to sit in such court of 25 assize, nisi prius, oyer and terminer, or general gaol delivery, that at such sittings there will be no business to be brought before such jurors; nor shall it be necessary to appoint a sittings of any court of assize, nisi prius, oyer and terminer, or general gaol delivery, if the judges when appointing the days 30 for holding the assizes throughout Ontario, shall be of opinion that such sittings are not required. (*Vide* R. S. O. 90, s. 40.)

Judge of county court to be informed when jurors required.

13. Where there appears to be need that precepts should issue for the return of panels of jurors aforesaid for any county court or court of general sessions, it shall be the duty of the clerk of 35 the peace, and the clerk of the county court, to inform the said judge thereof, in order that precepts may be issued for the return of jurors at the ensuing sittings of the court. (*Vide* R. S. O. 90, s. 41.)

Precepts for jurors, if issued, to be for county court and general sessions.

14. In case jurors are required for either the county court or 40 the court of general sessions of either of the said counties, the necessary precepts shall be issued for both the county court and general sessions of such county. (*Vide* R. S. O. 90, s. 42.)

Orders for trial at county court of cases in superior courts.

15. Either of the superior courts of law, or a judge thereof, may direct that any action of ejectment for the recovery of the 45 possession of lands lying in either of the said counties, or any other action pending in a superior court of law, shall be tried at a sittings of the county court of such county, or may order that the witnesses shall be examined and the facts ascertained at such sittings, and the questions of law arising 50 thereon reserved for the opinion of the court in which the action is pending; or may make such like order for the purpose of facilitating the determination of the matters in dis-

pute in the action as he may think fit. The court of chancery, or a judge thereof, may make a similar order in respect of a suit pending in that court. (*Vide* R. S. O. 90, s. 55.)

16. When any unorganized township in the said county 5 has fifty or more freeholders and householders resident therein, the county judge shall, on a petition signed by at least twenty of such residents setting out such fact and praying to be incorporated, fix a time and place for the nomination of a reeve and four councillors in said township, and a day and place for holding 10 the poll in case a poll is required, and shall appoint a returning officer for conducting the said election, and otherwise provide for the due holding of the election according to law, and such township shall become, *ipso facto*, an incorporated township. Formation of incorporated townships.

17. For the purpose of ascertaining the number of such re- 15 sidents, the said judge is hereby empowered to direct a census of the township to be taken by the bailiff of the division court in which such township is situate, at any time in any year. Census of township, how taken.

18. The persons qualified to vote at such first election shall be all males, who are British subjects, of the full age of twenty- 20 one years, being householders or resident freeholders in the township proposed to be organized into a municipality; the proceedings at the said election shall be conducted under the provisions of the municipal law of Ontario relating to elections of the reeve and councillors of townships in incorporated counties. Qualification of voters.

19. The Lieutenant-Governor in Council may, upon the ap- 25 plication of the councils of any two or more incorporated townships within either of the said counties, by proclamation, form such townships, or any two or more of them, into an incorporated union of townships, or may, upon the application of the 30 councils, unite any incorporated township to any incorporated union of townships; the Lieutenant-Governor may also, if he thinks fit, by proclamation, add any adjoining unincorporated township or townships to any incorporated township or union; the proclamation may state the order of seniority of the town- 35 ships united, but in the absence of any express provision in that behalf in the proclamation, the order in which the townships are named in the proclamation shall determine their seniority. Union of incorporated townships.

20. When it is made to appear to the Lieutenant-Governor 40 in Council that an unincorporated village within either of the said counties, or partly within each of the said counties, with its neighbourhood, contains over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on peti- 45 tion by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the Lieutenant-Governor may, by proclamation, from a time to be named therein, erect the village and neighbourhood into an incorporated vil- 50 lage, apart from the township or townships in which the same are situate, by a name, and with boundaries, in accordance with the tenth section of the Municipal Act, to be respectively declared in the proclamation; and shall name the place for holding the first election, and the returning officer who is to 55 hold the same. (*Vide* R. S. O. 174, s. 9.) Formation of incorporated villages.

Provision
where village
does not lie in
one county.

21. In case the village lies partly within each of the said counties, the Lieutenant-Governor shall, by the proclamation, annex it to one of the said counties. (R. S. O. 174, s. 12.)

Municipal law
to apply to
villages and
townships
when incor-
porated.

22. Unless where otherwise provided in this Act, or unless where a contrary intention is expressed in a subsequent Act, every incorporated township or village within the said counties, or any town which may be formed therein, and the council and officers of such township, town or village, shall be subject to the provisions of law from time to time applicable to like municipalities in incorporated counties in Ontario, and the council and officers thereof, as if such municipality had been formed under "The Municipal Act."

By-laws.

23. The council of every municipality within the said counties shall have power to pass by-laws for the purposes mentioned in subsections two, three, five, six, seven, eight, nine and ten of the four hundred and sixty-fifth section of the Municipal Act.

Appointment
of constables.

24. Any municipal council may appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall have throughout the county all the powers and rights appertaining to county constables, or two or more councils may unite in an appointment under this section; the said council or councils may allow to any such constable a salary in addition to his fees. (*Vide* R. S. O., 175, s. 34.)

Arrears of
taxes.

25. Arrears of taxes due to any municipality within the said counties shall be collected and managed in the same way as like arrears due to municipalities in incorporated counties, and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes, as in incorporated counties are performed by the treasurers and wardens thereof, subject to the provisions hereinafter contained as to sales.

List of public
land sold, etc.,
to be sent
yearly to
treasurer of
each municipi-
pality.

26. The Commissioner of Crown Lands, shall, in the month of February in every year, transmit to the treasurer of each municipality in each of the said counties of the formation whereof he shall have been notified, a list of all the land within the county located as free grants, sold or agreed to be sold by the crown, or leased, or in respect of which a license of occupation has been issued during the preceding year. (*Vide* R. S. O. 180, s. 106.)

Treasurer to
furnish clerk of
municipality
with list of
lands on
which taxes
are in arrear
for three years.

27. The treasurer of every municipality, within either of the said counties shall furnish to the clerk of his municipality, a list of all the lands in his municipality, in respect of which any taxes have been in arrear for the three years next preceding the first day of January in any year; and the said list shall be so furnished on or before the first day of February in every year and shall be headed in the words following, "list of lands liable to be sold for arrears of taxes in the year one thousand eight hundred and " and for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of "The Assessment Act," on any land to be sold for taxes, shall be deemed to

have been due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January. (*Vide* R. S. O. 180, s. 108.) Clerks to certify lands which have become occupied.

5 28. The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the said list last received by him from the treasurer, pursuant to the section, is entered upon the roll of the year as then
10 occupied, or is incorrectly described, and shall forthwith furnish to the said treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described; the treasurer of each municipality
15 shall return to the clerk an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section one hundred and twenty-four of the Assessment Act. (*Vide* R. S. O., 180, s. 111.)

20 29. Wherever a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the treasurer of the municipality shall, unless otherwise directed by a by-law of the council of the municipality, submit to the reeve of the municipality a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes,
25 with the amount of arrears against each lot set opposite to the same, and the reeve shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk, and the other shall be returned to the treasurer with a warrant thereto annexed
30 under the hand of the reeve and the seal of the municipality, directed to the sheriff of the county, and commanding him to levy upon the land for the arrears due thereon with his costs, and the treasurer shall, after taking a copy of such warrant and list for retention in his office, forward the original to the said
35 sheriff. (*Vide* R. S. O. 180, s. 127.) Proceedings to enforce collection of taxes.

30 30. The council of any municipality within either of the said counties shall have power from time to time to extend, beyond the term of three years, the time for the enforced collection by sale of non-resident taxes, by by-law passed for that
40 purpose. (*Vide* R. S. O. 180, s. 128.) Extension of time.

31. It shall not be the duty of the sheriff to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land;
45 the sheriff shall be entitled to charge for his services under the sections of this Act numbered from thirty-three to thirty-six the like fees as treasurers of counties are entitled to charge for similar services. (*Vide* R. S. O. 180, s. 129.) Duty of sheriff.

32. The reeve shall not authorize the sale of any lands which have not been included in the lists furnished by the treasurer to the clerk of the municipality in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of the one hundred and eleventh section of the Assessment Act, except
50 What lands may be sold.

the lands the arrears for which had been placed on the collection roll of the preceding year, and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. (*Vide* R. S. O., 180, s. 130.)

Sheriff to prepare list of land to be sold, and advertise same.

33. The sheriff shall prepare a copy of the list of lands to be sold, required by section one hundred and twenty-seven of the Assessment Act, and shall include therein in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such lists to be published four weeks in the *Ontario Gazette*, and once a week for thirteen weeks in some newspaper published within the county; the treasurer, when forwarding the warrant for execution shall, in writing, inform the Sheriff which of the said lands are patented, unpatented, or under lease or license of occupation from the Crown. (*Vide* R. S. O. 180, s. 131.)

Notice to be given in advertisement.

34. The advertisement shall contain a notification that unless said arrears are sooner paid to the said sheriff, he will proceed to sell the lands for taxes on a day to be named in the advertisement. (*Vide* R. S. O. 180, s. 132.)

Time of sale.

35. The day of sale shall not be less than three months nor more than six months after the first publication of the list in the *Ontario Gazette*. (*Vide* R. S. O. 180, s. 133.)

Sheriff to have rights, etc., of treasurers in respect of tax sales.

36. The sheriff shall thereafter proceed in the same manner and he and his successor in office shall have the like rights, powers and duties as are conferred and imposed upon county treasurers in incorporated counties, in respect of sales for taxes in arrear and proceedings therefor and thereafter, and in executing conveyances, and sections numbered from one hundred and thirty-two to one hundred and fifty-three inclusive, and from one hundred and fifty-five to one hundred and sixty-nine inclusive, of "The Assessment Act," shall apply to such sales and proceedings, with the substitution of the word "sheriff" for "treasurer," or "treasurer and warden" wherever "treasurer" or "treasurer and warden" occur in any of such sections.

Tax to be levied towards paying costs of administration of justice.

37. Each of the municipalities within the said counties shall in each year and at the same time as other taxes are levied, levy an annual rate of _____ mills in the dollar on all the taxable property within the municipality, and the treasurer of the municipality shall, out of the funds in his hands belonging to the municipality, on or before the _____ day of _____ of each year pay to the Treasurer of Ontario the amount which should be levied as aforesaid, whether the same has been collected or not, for the purpose of defraying the costs of the administration of justice which in incorporated counties are borne by such counties.

Court houses, gaols and registry offices.

38. The Lieutenant-Governor in Council may, from time to time by proclamation, set apart such buildings and premises for a court house and common gaol for either of the said counties as the Commissioner of Public Works may acquire or erect and may report to be suitable for that purpose, and the

Lieutenant-Governor may, by order in council, establish as registry offices and lock-ups such buildings and premises as the said Commissioner may acquire or erect and may report to be suitable therefor, but it shall not be necessary for such registry offices to fulfil the requirements of the fifth section of "The Registry Act."

39. The Lieutenant-Governor may pay to the sheriff and other officers of either of the said counties, appointed by him by virtue of this Act, by way of salary, out of any unappropriated moneys belonging to the consolidated revenue fund of this Province, such several sums of money as he may think reasonable, and as may be voted by the Legislature for the services performed by such officers respectively, but a salary shall not be paid to the said sheriff except during the five years next 15 after the passing of this Act.

Sheriffs and other officers may be paid by salary.

40. The judicial county of Muskoka and the judicial county of Seguin are each constituted a district for the purposes of school inspection, under the provisions of the Public Schools Act and the Acts amending the same, and an inspector may be appointed for each of such districts, or for both, by the Education Department, upon such terms, for such remuneration, and subject to such regulations as the Department may, from time to time, determine upon.

New counties to form districts for purposes of school inspection. Appointment of inspectors.

41. Any such inspector shall possess all the powers and discharge all the duties of county public school inspectors, under the Public Schools Act, and shall also have and exercise all the powers of the stipendiary magistrate, in cases of unorganized or organized townships without county organization, and which in each of the said districts are hereby vested in such public school inspectors alone.

Powers of inspectors.

42. The said judicial districts shall be respectively considered as if they were municipal counties for all purposes in relation to public schools therein, and the application of the law and regulations relating thereto, including the apportionment of the Legislative grant, over and above such further payments as may be made for school purposes, and of the receipts by the Provincial Treasurer from the rates to be levied in the said judicial counties, as herein provided.

Judicial districts to be considered municipal counties for school purposes.

43. Upon a vacancy occurring in the representation of the electoral districts of Muskoka and Parry Sound in the Legislative Assembly, either by dissolution of the Assembly, or otherwise, the eightieth sub-section of the fifteenth section of the Revised Statute respecting representation of the people in the Legislative Assembly, shall stand repealed, and the following shall be substituted therefor:—

R. S. O., c. 8, s. 15, sub-s. 80, repealed, and new sub-section substituted.

"The electoral district of Muskoka and Seguin shall consist of the counties of Muskoka and Seguin."

BILL.

An Act to erect the District of Muskoka into the Judicial County of Muskoka, and the District of Parry Sound into the Judicial County of Seguin.

First Reading, 31st January, 1881.

(*PRIVATE BILL*).

Mr. MILLER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Grand Junction Railway Company.

WHEREAS the Grand Junction Railway Company have by Preamble.
 their petition prayed that an Act may be passed for the
 several purposes in relation to the said company hereinafter
 set forth, and it is expedient to grant the prayer of the said
 5 petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The deed of amalgamation of the said the Grand Junction Amalgamation
 10 Railway Company and the Belleville and North Hastings Rail- of the Grand
 way Company, duly executed by the said companies respec- Junction and
 tively, in pursuance of the Acts relating to the said companies the Belleville
 passed in the forty-second year of the reign of Her Majesty, and and N. Hast-
 dated on the day of ings companies
 15 of our Lord one thousand eight hundred and eighty, is hereby confirmed.
 declared legal and valid; and it is hereby declared and enacted
 that the the said two companies are amalgamated and united
 under the name of the Grand Junction Railway Company, on
 the terms and subject to the provisos and conditions in the
 20 said deed contained.

2. The bonds made and issued by the said company, bear- Bonds and
 ing date the first day of July, in the year of our Lord one thou- mortgage con-
 sand eight hundred and eighty, to the amount of nine hundred firmed.
 thousand dollars, payable on the first day of July, in the year
 25 of our Lord one thousand nine hundred, with interest half-
 yearly at the rate of five per centum per annum; and the
 indenture of mortgage made and executed by the said company,
 bearing date the sixteenth day of July, in the year of our
 Lord one thousand eight hundred and eighty, to and in favour of
 30 John Macdougall, of the city of Montreal, iron manufacturer,
 and Edward Oscar Bickford, of the city of Toronto, iron mer-
 chant, as trustees, to secure the said bonds, are hereby declared
 to be legal and valid, and to be and constitute a lien and charge
 on the said railway and its property and undertaking, in accor-
 35 dance with the Statutes relating to the said two companies so
 amalgamated as aforesaid, and the terms and conditions of the
 said indenture of mortgage.

3. The Grand Junction Railway Company is hereby author- Extensions of
 ized and empowered to extend its line of railway from the vil- railway
 40 lage of Tweed, or from any point on its existing line of railway, authorized.
 to a point of junction with the Canada Central Railway, at or
 near the town of Perth or the village of Carleton Place or to the
 city of Ottawa, and also from the village of Omemee, or any

point on its line between Peterborough and Omemee, to the city of Toronto, or to a point of junction with the line of the Northern Railway Company at or near Aurora or King stations, or some point south thereof, and also to build and extend their line of railway from a point at or near Chemong Lake to the village of Bobcaygeon, and thence to the village of Fenelon Falls, and to a point of junction with the Victoria road. 5

Railway Act
and Acts relat-
ing to the com-
pany to apply
to extensions.

4. The said the Grand Junction Railway Company shall have all the powers, and be subject to all the provisions contained in the Railway Act of Ontario and in the several Acts relating to the Grand Junction Railway Company in relation to the said extensions of their line and every part thereof. 10

Lease by
Cobourg, P.
and M. rail-
way confirm-
ed.

5. The indenture of lease made and executed by the Cobourg, Peterborough and Marmora Railway and Mining Company to the said the Grand Junction Railway Company, bearing date the sixteenth day of July, in the year of our Lord one thousand eight hundred and eighty, and being that portion of the line and property of the said the Cobourg, Peterborough and Marmora Railway and Mining Company, in the said lease described, is hereby declared legal and valid to all intents and purposes. 20

BILL.

An Act respecting the Grand Junction
Railway Company.

First Reading,
1881.

(PRIVATE BILL.)

Mr. BOULTER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Grand Junction Railway Company.

WHEREAS the Grand Junction Railway Company have by their petition prayed that an Act may be passed for the several purposes in relation to the said company hereinafter set forth, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The deed of amalgamation of the said the Grand Junction Railway Company and the Belleville and North Hastings Railway Company, duly executed by the said companies respectively, in pursuance of the Acts relating to the said companies passed in the forty-second year of the reign of Her Majesty, and dated on the *twenty-ninth* day of *June* in the year of our Lord one thousand eight hundred and eighty, is hereby declared legal and valid ; and it is hereby declared and enacted that the said two companies are amalgamated and united under the name of the Grand Junction Railway Company, on the terms and subject to the provisoes and conditions in the said deed contained:  Provided that the Acts incorporating the said respective companies and the Acts amending the same authorized such amalgamation and conditions. 

Amalgamation of the Grand Junction and the Belleville and N. Hastings companies confirmed.

2. The bonds made and issued by the said company, bearing date the first day of July, in the year of our Lord one thousand eight hundred and eighty, to the amount of nine hundred thousand dollars, payable on the first day of July, in the year of our Lord one thousand nine hundred, with interest half-yearly at the rate of five per centum per annum ; and the indenture of mortgage made and executed by the said company, bearing date the sixteenth day of July, in the year of our Lord one thousand eight hundred and eighty, to and in favour of John Macdougall, of the city of Montreal, iron manufacturer, and Edward Oscar Bickford, of the city of Toronto, iron merchant, as trustees, to secure the said bonds, are hereby declared to be legal and valid, and to be and constitute a lien and charge on the said railway and its property and undertaking, in accordance with the Statutes relating to the said two companies so amalgamated as aforesaid, and the terms and conditions of the said indenture of mortgage.

Bonds and mortgage confirmed.

3. The indenture of lease made and executed by the Cobourg, Peterborough and Marmora Railway and Mining Company to the said the Grand Junction Railway Company, bearing date the sixteenth day of July, in the year of our Lord one thousand

Lease by Cobourg, P. and M. railway confirmed.

eight hundred and eighty, and being that portion of the line and property of the said the Cobourg, Peterborough and Marmora Railway and Mining Company, in the said lease described, is hereby declared legal and valid to all intents and purposes,  excepting in so far as it may be finally decided in the suit 5 now pending between the Grand Junction Railway and the Midland Railway of Canada, that the said Midland Railway is entitled to any portion of the line or lands embraced in the said lease: Provided always, and it is hereby declared that the said lease is only declared legal and binding subject and 10 without prejudice to the bonds of the Cobourg, Peterborough and Marmora Railway and Mining Company, and that nothing herein contained shall in any wise affect, impair or prejudice the rights of any holder of such bonds. 

No. 61.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act respecting the Grand Junction
Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL).

Mr. BOULTER.

An Act further to amend the Acts relating to the
Hamilton and North-Western Railway Company.

WHEREAS the Hamilton and North-Western Railway Preamble.

Company (hereinafter called the North-Western) and the Northern Railway Company of Canada (hereinafter called the Northern) entered into an agreement bearing date the sixth day of June, one thousand eight hundred and seventy nine, for the joint working of their railways, and such railways have been worked under such agreement since the first day of July, one thousand eight hundred and seventy nine; and whereas the North-Western have by their petition presented, that for the more efficient and economical working of the said railways, it has become necessary to raise additional capital, and the directors of the said two companies have entered into an agreement bearing date the day of , one thousand eight hundred and eighty one, for the issue of joint working and equipment bonds of the Northern to the amount of one hundred and seventy-five thousand pounds sterling, and of joint working and equipment bonds of the North-Western to the amount of seventy-five thousand pounds sterling, and for the sale and disposal and application thereof; and the North-Western have prayed for authority to issue such bonds, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the directors of the North-Western to issue seven hundred and fifty bonds of that company, each of the amount of one hundred pounds sterling, to be called and known as "Joint Working and Equipment Bonds." The principal of such bonds shall be made payable on the first day of June, one thousand eight hundred and ninety-eight, and the interest thereon half-yearly on the first day of June and December in each year, and the principal and interest shall be payable at such place and the interest shall be at such rate not exceeding six per cent. per annum as the directors of the said company may determine; and such joint working and equipment bonds shall form a claim and charge upon the undertaking and real and personal property of the said company, subject, however, to the claim and charge thereon of the existing first mortgage bonds of the company, and the interest thereon shall be payable next after the payment of the interest on the said first mortgage bonds. In the event at any time of the interest on such joint working and equipment bonds remaining unpaid and owing, then the hold-

Issue of "joint working and equipment bonds" by North-Western authorized.

ers of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting, as are attached to shareholders: Provided the said bonds and any transfers thereof shall have been first registered, as provided for the registration of shares, and it shall be the duty of the secretary to make such registration on request. 5

Bonds may be sold or pledged.

2. The bonds hereinbefore authorized to be issued shall and may be sold, pledged or hypothecated, and the proceeds thereof used and applied as provided in such agreement of the day of , one thousand eight hundred and eighty- 10 one.

When bonds may be issued.

3. The bonds by this Act authorized shall not be issued by the directors of the said company, unless and until the same shall have been approved at an annual general meeting, or at any special general meeting to be called for such purpose, nor unless the Northern shall have obtained the necessary authority and consent to issue the joint working and equipment bonds of that company, as likewise provided for in such agreement. 15

BILL.

An Act further to amend the Acts relating to the Hamilton and North-Western Railway Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. GIBSON, (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act further to amend the Acts relating to the
Hamilton and North-Western Railway Company.

WHEREAS the Hamilton and North-Western Railway Company (hereinafter called the North-Western) and the Northern Railway Company of Canada (hereinafter called the Northern) entered into an agreement bearing date the sixth day of June, one thousand eight hundred and seventy-nine, for the joint working of their railways, and such railways have been worked under such agreement since the first day of July, one thousand eight hundred and seventy-nine; and whereas the North-Western have by their petition presented, that for the more efficient and economical working of the said railways, it has become necessary to raise additional capital, and the directors of the said two companies have entered into an agreement bearing date the *twenty-first* day of *February*, one thousand eight hundred and eighty-one, for the issue of joint working and equipment bonds of the Northern to the amount of one hundred and *thirty-four* thousand pounds sterling, and of joint working and equipment bonds of the North-Western to the amount of *sixty-six* thousand pounds sterling, and for the sale and disposal and application thereof; and the North-Western have prayed for authority to issue such bonds, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the directors of the North-Western to issue *six hundred and sixty* bonds of that company, each of the amount of one hundred pounds sterling, to be called and known as "Joint Working and Equipment Bonds." The principal of such bonds shall be made payable on the first day of June, one thousand eight hundred and ninety-eight, and the interest thereon half-yearly on the first day of June and December in each year, and the principal and interest shall be payable at such place and the interest shall be at such rate, not exceeding six per cent. per annum, as the directors of the said company may determine; and such joint working and equipment bonds shall form a claim and charge upon the undertaking and real and personal property of the said company, subject, however, to the claim and charge thereon of the existing first mortgage bonds of the company, and the interest thereon shall be payable next after the payment of the interest on the said first mortgage bonds. In the event at any time of the interest on such joint working and equipment bonds remaining unpaid and owing, then the hold-

Issue of "Joint working and equipment bonds" by North-Western authorized.

ers of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting, as are attached to shareholders: Provided the said bonds and any transfers thereof shall have been first registered, as provided for the registration of shares, and it shall be the duty of the secretary to make such registration on request. 5

Bonds may be sold or pledged.

2. The bonds hereinbefore authorized to be issued shall and may be sold, pledged or hypothecated, and the proceeds thereof used and applied as provided in such agreement of the *twenty-first day of February*, one thousand eight hundred and eighty- 10 one.

When bonds may be issued.

3. The bonds by this Act authorized shall not be issued by the directors of the said company, unless and until such issue be approved by a two-thirds majority in value of the holders of the preference and ordinary stock of the North-Western, 15 present in person or represented by proxy, at a meeting of the holders of such preference and ordinary stock specially called for that purpose, nor unless the Northern shall have obtained the necessary authority and consent to issue the joint working and equipment bonds of that company, as likewise provided for 20 in such agreement.

BILL.

An Act further to amend the Acts relating to the Hamilton and North-Western Railway Company.

(Reprinted as amended.)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. GIBSON (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to close part of a certain road allowance between the Township of Kingston and the Village of Portsmouth.

WHEREAS that portion of the original allowance for a road Preamble.

W forty feet in width, lying between the township of Kingston and the village of Portsmouth, in the county of Frontenac, which lies south of the southerly boundary of Hale street, has
5 never been made fit for travel, and terminating at a high bluff, affords no convenient access to the water; and whereas the lands on both sides of the said portion of the said road allowance belong to Her Majesty for the purposes of the asylum for the insane at Kingston, and the said road allowance divides the
10 asylum grounds into two portions, causing great inconvenience in the use of the said asylum grounds, and exposing the patients in the said grounds to annoyance, from persons coming upon the said road allowance for the purpose of gazing upon or interfering with the said patients; and whereas access to the
15 water can be more conveniently had by the inhabitants of the said township and village, by the road running along the front of the first concession of the said township of Portsmouth; and whereas the Commissioner of Public Works, in order to ensure to the said inhabitants of the said township and village, convenient access to the water, has, on behalf of Her Majesty,
20 agreed to purchase the broken front of lot number fifteen, in the first concession of the said township of Kingston; and whereas it is expedient that the said portion of the said road allowance should be closed;
25 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The portion of the said allowance for road, which is south of the southerly boundary line of Hale street, shall no longer
30 be, or be liable to be, used as a public highway, and such portion shall be hereafter vested in Her Majesty, and her successors, for the public uses of the Province. Part of road allowance closed.

2. The Commissioner of Public Works shall set apart so much of the said broken front of lot number fifteen aforesaid, as he
35 finds requisite, and considers expedient to set apart, in order to ensure convenient access to the public, from Front street aforesaid to the waters of Little Cataraqui Bay. Access to water to be provided for public.

BILL.

An Act to close part of a certain road allowance between the Township of Kingston and the Village of Portsmouth.

First Reading,	1881.
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(*PRIVATE BILL.*)

Mr. FRASER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to confirm certain Assessments of the City
of Kingston.

WHEREAS the corporation of the city of Kingston, by Preamble
their petition, have represented that the council of the
said city, desiring to apply the provisions of section forty-four
of the Assessment Act to the assessments of the said city, did,
5 on the thirty-first day of May, in the year one thousand eight
hundred and eighty, after the assessment for the said year had
been duly made at the usual time, for the levy of the rates and
taxes of the year one thousand eight hundred and eighty, pass
a by-law (set out in schedule A to this Act) to provide for
10 taking an assessment of the said city, between the first day
of July and the thirtieth day of September, in the said year
one thousand eight hundred and eighty, to be adopted as the
assessment on which the rate of taxation for the year one
thousand eight hundred and eighty-one should be levied, and
15 which said last mentioned assessment was duly made, and was
duly revised by the court of revision and by the county judge,
as provided in said section forty-four and in said by-law, and
adopted by the said council as the assessment on which the
rate of taxation for the year one thousand eight hundred and
20 eighty-one should be levied; and whereas, by the making of
the last mentioned assessment as aforesaid, it has become
unnecessary to use the assessment for the year one thousand
eight hundred and eighty as the basis for the assessment for
the year one thousand eight hundred and eighty-one; and
25 whereas, to remove all doubts as to the validity of their pro-
ceedings in the premises, the said petitioners have prayed for
an Act to confirm and validate the said by-law and the said
assessment made in pursuance thereof, and the revision of the
same aforesaid, as well as the future assessments to be made
30 under the said by-law, when duly revised as therein provided;
and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

35 1. The above recited by-law is hereby declared to be a valid By-law con-
by-law, and is hereby confirmed. firmed.

2. The assessment of the said city, made under the said Assessment
by-law as aforesaid, and the assessment rolls thereof as finally Roll for 1881
revised, are hereby confirmed and declared valid and binding confirmed.
40 to all intents and purposes upon the ratepayers of the said
city, and all others, and upon the property and land affected
thereby, or contained, set out, or described in the said rolls as
the assessment and the assessment rolls of the said city for

the year one thousand eight hundred and eighty-one, and upon which the rates and taxes of the said city for the said last mentioned year shall be levied and collected, and shall also for every other purpose be valid, notwithstanding anything contained in said section forty-four of the Assessment Act, and notwithstanding that the assessment for the year one thousand eight hundred and eighty had been made in the same year previously; and the rates and taxes to be levied upon the said assessment in this section first mentioned, shall be the rates and taxes of the said city for the said year one thousand eight hundred and eighty-one, and shall be collected under the provisions of the Assessment Act in the ordinary manner by the collector or collectors of the city, and no further revision of the said last mentioned assessment shall be necessary.

Future assessments made under by-law to be valid.

3. All future assessments may be made under the said by-law, and shall, each being duly revised as therein provided, be valid and binding as aforesaid as the assessment for the year following the year in which it is made, and on which the rates and taxes of the said city for that year shall be levied and collected, and shall also for every other purpose be valid, and no further revision of said assessment shall be necessary, and the rates and taxes levied thereon shall be collected under the provisions of the assessment laws in the ordinary manner by the collector or collectors of the city: Provided, always, that but one assessment shall be made for any one year, and that said assessments shall be made under the provisions of the assessment laws in force at the time of making the same, subject to this Act.

SCHEDULE "A."

A by-law to regulate the periods for taking the assessment, and for the revision of the rolls by the court of revision, and by the county judge, in the city of Kingston.

Passed Monday, May 31. 1880.

Whereas the council of the corporation of the city of Kingston may, under section forty-four of the Act entitled "An Act respecting the assessment of property," pass a by-law for regulating the periods for taking the assessment and for the revising of the rolls by the court of revision and by the county judge, and it is desirable that such a by-law should be passed;

Be it therefore enacted by the said council of the corporation of the city of Kingston:—

1. That from and after the passing of this by-law, the assessments in and for the city of Kingston, including an assessment to be made and taken in this present year, shall be made and taken as follows, that is to say:—Between the first day of July and the thirtieth day of September in each year; that the rolls shall be returnable to the city clerk on the first day of October in each year; that the time for closing the court of revision shall be the fifteenth day of November in each year, and that the time for final return by the judge of the county court shall be the thirty-first day of December in

each year; and the periods for taking said assessment and for the revision of the rolls by the court of revision and by the county judge shall thenceforth be as herein above provided, and not otherwise; and that the assessment to be made and taken in this present year shall be adopted as the assessment on which the rates shall be levied next year, and the assessment so made in each year following the present year shall be the assessment for the rates for the year following the year in which it is so made.

2. That one assessor shall be appointed, according to law, to make the said assessment, who shall have his office in the city buildings, and who shall give his whole time to the discharge of the duties of his said office, and whose salary shall be at the rate of seven hundred dollars per annum, payable monthly.

3. That this by-law shall come in force and take effect on the first day of June, in the year one thousand eight hundred and eighty.

(Sgd.) ROBERT J. CARSON, [L.S.]
Mayor.

(Sgd.) M. FLANAGAN,
City Clerk.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act to confirm certain assessments of
the City of Kingston.

First Reading, , 1881.

(*PRIVATE BILL*)

Mr. METCALF.

TORONTO:

PRINTED BY C. BLAKEETT ROBINSON.

An Act respecting the Toronto and Ottawa Railway Company.

WHEREAS the Toronto and Ottawa Railway Company have petitioned for certain amendments to their Act of incorporation, and for increased powers to confirm certain by-laws granting aid to the said company, and for other purposes; and
5 whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. All by-laws passed by any municipality, or voted upon
10 or to be voted upon by the ratepayers of any municipality for the purpose of aiding the Toronto and Ottawa Railway Company, under the provisions of the Act passed in the forty-third year of Her Majesty's reign, chaptered sixty-eight, when passed, and all debentures issued or to be issued under such by-
15 law or by-laws shall be and are hereby declared legal and valid: Provided such by-law or by-laws have been carried by a majority of the legally qualified ratepayers who have voted thereon.

By-laws passed or to be passed in aid of railway confirmed.

2. The said company is hereby authorized and empowered
20 with the consent of the Governor in Council, to construct and operate any one or more branch lines of railway, not exceeding thirty miles in length, from any point or points on the company's main line, to any other point or points which it may be considered desirable to reach for the purpose of the company's
25 business, and for that purpose shall have and exercise all the powers conferred by their own Acts of incorporation, and by the Railway Act of Ontario, with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation," which shall be deemed to be part of this Act, and shall apply to
30 the said company and any branch lines to be constructed by them.

Power to build branch lines.

3. The councils of all corporations that, or any portion of
which, have heretofore granted or may hereafter grant aid by way of bonus to the said company, and the reeves representing any grouped portion of any county, may by resolution
35 extend the time for the commencement of work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, and such extension may be made notwithstanding that the time limited for the commencement of work under the terms of any such by-law or by-laws, shall at the time of passing
40 any such resolution have then passed: Provided that no such extension shall be for a longer period than one year from the passing of this Act.

Extension of time by municipalities.

Municipal
councils em-
powered to
allow rails to
be laid on
highways.

4. It shall and may be lawful for the council of any municipality through which or any part of which the said railway or any part thereof passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways 5 within such municipality.

No. 65.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act respecting the Toronto and Ottawa
Railway Company.

First Reading, , 1881.

(PRIVATE BILL.)

Mr. MORRIS.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Toronto and Ottawa Railway Company.

WHEREAS the Toronto and Ottawa Railway Company have Preamble.
petitioned for certain amendments to their Act of incorporation, and for increased powers to confirm certain by-laws granting aid to the said company, and for other purposes; and
5 whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Ottawa By-law of city of Ottawa confirmed.
10 granting aid, by way of bonus, to the said company to the amount of two hundred thousand dollars, approved by the vote of the ratepayers of the city of Ottawa, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and eighty, is hereby declared legal, valid and binding, notwithstanding any defects of form or substance therein
15 or in relation to the passing thereof: Provided always that the several provisoes, stipulations, conditions and restrictions with reference to the said railway or any part thereof, or the location, construction or maintenance thereof or otherwise
20 contained in the said by-law of the city of Ottawa granting a bonus to the said company shall be at all times kept, observed, and performed by, and shall be obligatory and binding upon, the said company notwithstanding anything in this Act to the contrary. 

2. It shall and may be lawful for the council of any *city* Municipal councils empowered to allow rails to be laid on highways.
25 or town through which or any part of which the said railway or any part thereof passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways
30 within such municipality:  Provided always that before any such by-law shall be passed notice shall be given by the said company of their intention to apply to the council for the passage of the same, which notice shall be inserted at least once a week for two weeks in some newspaper published
35 within the municipality within which such highway is situated. 

BILL.

An Act respecting the Toronto and Ottawa
Railway Company.

(Reprinted as amended).

First Reading, 27th January, 1881.

(PRIVATE BILL).

Mr. MORRIS.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Toronto and Nipissing Eastern Extension Railway Company.

WHEREAS the Toronto and Nipissing Eastern Extension Railway Company has petitioned the Legislature for certain amendments to its Act of incorporation, and it is expedient to grant the prayer of said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 The thirty-sixth section of the Act passed in the forty-third year of Her Majesty's reign, and chaptered sixty-seven, is hereby repealed.

43 V., c. 67, s. 36, repealed.

2 It shall be lawful for the said company to enter into any agreement with any other railway company, duly authorized in that behalf, for selling, leasing or hiring this road or any part thereof, or for buying, leasing or hiring from such other company, any railway or part thereof, or any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other company for the amalgamation or use by one or the other or by both companies, of the railway or moveable property of either or of both or any part thereof, or for any service to be rendered by the one company to the other, and the compensation therefor, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and in case of sale or lease, any company, duly authorized as aforesaid, buying or leasing the same shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred: Provided always that before any such agreement for the sale, lease, hiring or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of at least two-thirds of all the stock-holders legally entitled to vote; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the Legislative authority of the Province.

Agreements with other companies.

3. The thirtieth section of the said Act is hereby amended by striking out the word "eight" in said section, and inserting in lieu thereof the word "fifteen."

43 V., c. 67, s. 30, amended.

4. The said company is hereby authorized and empowered, with the consent of the Governor in Council, to construct and operate any one or more branch lines of railway, not exceeding thirty miles in length from any point or points on the company's main line to any other point or points which it may be

Power to construct branch lines,

considered desirable to reach for the purpose of the company's business, and for that purpose shall have and exercise all the powers conferred by their own charter and by the Railway Act of Ontario, with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation" which shall be deemed to be part of this Act, and shall apply to the said company and any branch lines to be constructed by them. 5

2nd Session, 4th Legislature, 44 Vic., 1881

BILL.

An Act respecting the Toronto and Nipissing Eastern Extension Railway Company.

First Reading,
1881.

(PRIVATE BILL.)

Mr. PECK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act respecting the Toronto and Nipissing Eastern
Extension Railway Company.

WHEREAS the Toronto and Nipissing Eastern Extension Preamble.
Railway Company has petitioned the Legislature for
certain amendments to its Act of incorporation, and it is ex-
pedient to grant the prayer of said petition ;

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The thirty-sixth section of the Act passed in the forty-third 43 V., c. 67, s.
year of Her Majesty's reign, and chaptered sixty-seven, is here- 36, repealed.
10 by repealed.

2. It shall be lawful for the said company to enter into any Agreements
agreement with any other railway company, duly authorized with other
in that behalf, for selling, leasing or hiring this road or any companies.
part thereof, or for buying, leasing or hiring from such other
15 company, any railway or part thereof, or any locomotives,
tenders or moveable property, and generally to make any
agreement or agreements with such other company for the am-
algamation or use by one or the other or by both companies,
of the railway or moveable property of either or of both or
20 any part thereof, or for any service to be rendered by the one
company to the other, and the compensation therefor, and every
such agreement shall be valid and binding, and shall be enforced
by courts of law according to the terms and tenor thereof, and
in case of sale or lease, any company, duly authorized as afore-
25 said, buying or leasing the same shall be and is hereby em-
powered to exercise all the rights and privileges in this charter
conferred : Provided always that before any such agreement
for the sale, lease, hiring or amalgamation as aforesaid shall
be binding, it shall be ratified by a vote of at least two-thirds
30 of all the stock-holders legally entitled to vote ; but this sec-
tion shall not be construed as purporting or intending to con-
fer rights or powers upon any company which is not within the
Legislative authority of the Province.

3. The thirtieth section of the said Act is hereby amended 43 V., c. 67, s.
35 by striking out the word "eight" in said section, and insert- 30, amended.
ing in lieu thereof the word "fifteen."

BILL.

An Act respecting the Toronto and Nipissing
Eastern Extension Railway Company.

(Reprinted as amended.)

First Reading, 28th January, 1881.

(PRIVATE BILL.)

Mr. PECK.

TORONTO :

PRINTED BY O. BLACKETT ROBINSON.

An Act to incorporate the Canada West Railway Company.

WHEREAS the persons hereinafter named, and others, have Preamble.
petitioned for incorporation as a company to construct
a railway from Toronto to Carleton Place, with power to unite,
amalgamate, or make running arrangements with other rail-
way lines in the Province of Ontario; and whereas the con-
struction of such a railway would be of great public advantage,
by affording facilities for the settlement of the back country
and bringing to market the productions thereof; and it is for
the reasons aforesaid expedient to grant the prayer of the
petitioners;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Richard Willis Jameson, the Honourable Rupert Mearse Incorporation.
Wells, Edmund B. Osler, A. B. Chaffee, William Henry Lock-
hart Gordon, with all such other persons and corporations as
shall become shareholders in the company, hereby incorporated,
shall be and are hereby constituted a body corporate and
politic by the name of the "Canada West Railway Company,"
and shall have all the powers incident to railway companies in
general.

2. The said company and their agents and servants may Location of Line.
lay out, construct, finish, and operate a double or single line of
railway, of such width or gauge as the company may see fit,
from the city of Toronto, in the Province of Ontario, through
the counties of York, Ontario, Victoria, Durham, Peterborough,
Hastings, Addington, Frontenac, and Lanark to Carleton Place,
and from thence through the county of Carleton to the city of
Ottawa, and may unite, amalgamate, and make running ar-
rangements with other railway lines in the Province of Ontario,
situate upon the line hereby authorized to be constructed, or
crossing the same.

3. The capital stock of the said company shall not exceed, Capital stock.
in the whole, the sum of one million dollars, to be divided
into two thousand shares of five hundred dollars each, which
amount shall be raised by the persons hereinbefore named, and
such other persons and corporations as may become shareholders
in the said stock; and the money so raised shall be applied, in
the first place, to the payment of all fees, expenses, and dis-
bursements for the procuring the passing of this Act, and for
making the surveys, plans, and estimates connected with the
railway, and all the rest and remainder of such money shall be

applied towards making, completing, and maintaining the said railway and other purposes of this Act.

Provisional
directors.

4. The persons named in the first section of this Act shall be, and are hereby, constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors, under the Railway Act may lawfully do.

First election
of directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; the sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Annual meet-
ings.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the city of Toronto, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper published in the said city, and in each of the counties from which a bonus has been received.

Quorum of
directors.

7. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors: Provided, however, that no person shall be elected a director unless he shall be the holder and owner of, at least, ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Proviso.

Calls.

8. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportion as they may see fit, no such instalment exceeding ten per cent.; and the directors shall give one months' notice of such call in such manner as they may appoint.

9. The said directors, may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons, who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company, and the said directors may for that purpose make or issue the said stock as paid up stock, or declare subscribed stock as paid up stock with respect to unpaid calls.

Payments in bonds or stock authorized in certain cases.

10. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exemption from taxation.

11. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Municipalities empowered to grant lands.

12. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the said president, or vice-president, or the secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority either general or special of the board of directors as herein provided and enacted: Provided, however, that nothing in this

Company may become parties to notes, etc.

Proviso.

section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Issue of bonds.

13. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the tolls and property of the company, real and personal, then existing and at any thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking, and the tolls and property of the company as aforesaid: Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Bonds, etc., may be made payable to bearer.

14. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Power to pledge bonds.

15. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangement for branches to other lines.

16. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered railway company.

Agreements with other railways.

17. The said company is also authorized and empowered to make necessary arrangements or to contract and agree with any other railway company for the purchase of their line of railway or undertaking with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto, and the said company hereby incorporated may assign, transfer, or lease their railway, or any part thereof, or any rights

or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects relating thereto, to any other incorporated company, person or persons, or corporations, upon such terms and conditions and with such restrictions as the directors may deem expedient :
 Provided that the terms of such arrangement, purchase, sale, or transfer are approved of by two-thirds of the shareholders present in person or by proxy at any special general meeting to be held for that purpose in accordance with this Act ; and after any such arrangement for purchase or transfer has taken place, the said company, or the company to whom the said transfer is made may, with the consent of a majority of the shareholders and also of a majority of the bondholders of the companies entering into such arrangement, issue bonds to the extent of twenty thousand dollars per mile according to the actual mileage of the said railways making such arrangements, and such bonds shall without registration be a first and preferential claim or charge upon the said undertaking of the said railway, and the tolls and properties thereof ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

18. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have, and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

19. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

20. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, or they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway ; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take

material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

21. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance 5 from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway, and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to 10 said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company 15 may think proper; and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining said railway.

Telegraph
lines.

22. For the purpose of constructing, working or protecting 20 the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred on the said company; and the other provisions of the said Act for the working and protection of tele- 25 graph lines shall apply to such telegraph lines constructed by the said company.

Appointments
of agents.

23. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the City of London, England, and also an agent in the City of 30 New York, in the State of New York, with power to pay dividends, and to open and keep books of transfer for the shares of the company and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the 35 transferors in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London or at the New York 40 offices, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who, 45 shall thereupon make the requisite entries for such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been made by the secretary of the company in this Province. 50

Transfer of
shares.

24. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company or the surrender thereof dispensed 55 with by the company.

25. The directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they shall find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act as altered or modified by this Act shall be valid and binding.

Power to
regulate
registrations
and transfers.

26. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the line or route of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

Proviso.

27. Conveyances of lands to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

Form of conveyance.

28. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Power to build
warehouses,
etc.

SCHEDULE "A."

(Section 27.)

Know all men by these presents, that I (or we) (*insert the names of the vendors*) in consideration of dollars paid to me (or us) by the Canada West Railway Company the receipt whereof is hereby acknowledged, do grant and convey and I (or we) (*insert the names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby

acknowledged, do grant or release all that certain parcel (*or those certain parcels*) (*as the case may be*) of land situated (*describe the lands*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Canada West Railway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
 this day of one thousand
 eight hundred and

Signed, sealed and delivered }
 in the presence of }

BILL.

An Act to incorporate the Canada West
 Railway Company.

 First Reading, , 1881.

(PRIVATE BILL.)

Mr. WELLS.

 TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Canada West Railway Company.

WHEREAS the persons hereinafter named, and others, have petitioned for incorporation as a company to construct a railway from Toronto to Carleton Place, with power to unite, amalgamate, or make running arrangements with other railway lines in the Province of Ontario; and whereas the said petitioners and others have declared their willingness and ability to construct the said railway without provincial or municipal aid; and whereas the construction of such a railway would be of great public advantage, *and whereas it is for the reasons aforesaid expedient to grant the prayer of the* petitioners;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Richard Willis Jameson, Rupert Mearse Wells, Edmund B. Osler, A. B. Chaffee, William Henry Lockhart Gordon, *the Honourable L. Ruggles Church, William Cassils, J. S. Lockie*, with all such other persons and corporations as shall become shareholders in the company, hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the "Canada West Railway Company," and shall have all the powers incident to railway companies in general.

Incorporation.

2. The company and their agents and servants may lay out, construct, finish and operate a double or single line of railway, from any point in the city of Toronto, in the Province of Ontario, through the counties of York, Ontario, Victoria, Durham, Peterborough, Hastings, Addington, Frontenac and Lanark to a point at or near Carleton Place *via* the towns of Peterborough and Perth, with power to construct a branch line to the town of Lanark.

Location of Line.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Gauge.

4. The capital stock of the said company shall not exceed, in the whole, the sum of one million dollars, to be divided into two thousand shares of five hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for the procuring the passing of this Act, and for

Capital stock.

making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway and other purposes of this Act.

Provisional
directors.

5. The persons named in the first section of this Act shall be, and are hereby, constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors, under the Railway Act may lawfully do. 5 10 15

First election
of directors.

6. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-after described, which said directors shall constitute a board of directors; the sums so paid shall not be withdrawn from the bank except for the purposes of this Act. 20 25 30 35

Annual meet-
ings.

7. Thereafter the general annual meeting of the shareholders of the said company shall be held in the city of Toronto, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper published in the said city and in each of the counties from which a bonus has been received. 40

Special
meetings.

8. A special general meeting of the shareholders of the company may be called at any time by the directors or by one-fourth part in value of the shareholders of the company after refusal by the directors to call the same; but notice thereof, stating the objects for which the meeting is called, signed by the secretary of the company or by the shareholders calling the same must be sent by post or otherwise to each shareholder, four weeks before the day on which the said meeting is to be held, and must also be inserted once a week, for four weeks previous to the said meeting, in some newspapers published in Toronto or Ottawa. 45 50

Quorum of
directors.

9. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may 55

employ one or more of their number as paid director or directors : Provided, however, that no person shall be elected a director unless he shall be the holder and owner of, at least, *two* shares of the stock of the said company, and shall have paid up
 5 all calls upon the stock. Proviso.

10. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportion as they may see fit, no such instalment exceeding
 10 ten per cent.; and the directors shall give one months' notice of such call in such manner as they may appoint. Calls.

11. The said directors, may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of
 15 way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons, who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock,
 20 whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company, and the said directors may for that purpose make or issue the said stock as paid up stock, or declare
 25 subscribed stock as paid up stock with respect to unpaid calls. Payments in bonds or stock authorized in certain cases.

12. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such
 30 municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation,
 35 and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years. Exemption from taxation.

13. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required
 40 for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same
 45 for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality. Municipalities empowered to grant lands.

50 14. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory notemade or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the gen-
 55 Company may become parties to notes, etc

eral or special authority of a majority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the said president, or vice-president, or the secretary and treasurer, be individually responsible on any bill or note made, accepted or indorsed by him or them on behalf of the company provided the consideration for the said bill or note was received by the company. Unless the said promissory notes or bills of exchange have been issued without the sanction and authority either general or special of the board of directors as herein provided and enacted: **Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.**

Proviso.

Issue of bonds.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the tolls and property of the company, real and personal, then existing and at any thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking, and the tolls and property of the company as aforesaid: **Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of twenty-five thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, and at all other general meetings as long as the said default shall continue, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as they would have had if the bonds they held had been shares; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.**

Proviso.

Proviso.

Power to give mortgage.

16. And the company may secure such bonds by a deed or deeds of mortgage executed by the company, with the authority of its shareholders expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them in default of such payment, and the

enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment, as may be approved by such meeting; and may also contain, with the approval aforesaid, authority to the trustee or trustees, upon
 5 such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property, after such delay, and upon such terms and conditions as may
 10 be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the company, shall cease and determine, and shall thereafter ap-
 15 pertain to the bondholders; and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power, and may also, either directly by its terms, or indirectly by reference to the by-laws of the company, provide for the mode of enforc-
 20 ing and exercising the powers and authority to be conferred and defined by such deed, under the provisions hereof; and such deed, and the provisions thereof, made under the authority hereof, and such other provisions thereof as shall purport (with like approval) to grant such further and other powers
 25 and privileges to such trustee or trustees, and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding, but if any change in the ownership or possession of the said railway and property shall at any time take place under the provisions hereof, or of any
 30 such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "The Railway Act" of Ontario as hereby modified.

 17. The bonds authorized by this Act to be issued by the
 35 company, may be so issued in whole or in part in the denomination of dollars, pounds sterling or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached; and the whole or any of such bonds, may be pledged, nego-
 40 tiated or sold upon such conditions and at such price as the board of directors shall from time to time determine.

Provisions as to bonds.

 18. It shall not be necessary, in order to preserve the
 priority, lien, charge, mortgage or privilege, purporting to ap-
 pertain to or be created by any bond issued or mortgage deed
 45 executed under the provisions of this Act, that such bond or deed should be registered in any manner, or in any place whatever; but every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given in the *Ontario Gazette*; and in like manner any agreement
 50 entered into by the company, under section of this Act, shall also be deposited in the said office; and a copy of any such mortgage deed, or agreement, certified to be a true copy by the Provincial Secretary or his Deputy, shall be received as
prima facie evidence of the original in all courts of justice,
 55 without proof of the signatures or seal upon such original. 

Registration of mortgage and bonds.

Bonds, etc.,
may be made
payable to
bearer.

19. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively *are hereby declared to be personal property and* may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. 5

Power to
pledge bonds.

20. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise. 10

Arrangement
for branches
to other lines.

21. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered railway company, subject to the provisions contained in the twenty-section of this Act. 15

Railway to
grant facilities
for receiving
and forward-
ing traffic of
other lines.

22. In order to afford reasonable facilities to the Great Western Railway Company, and to all other companies whose lines of railway may at any point or points be connected with and form a continuous line of railway or part of a continuous line of railway with the railway of the company hereby incorporated, for the receiving, forwarding, delivering, interchange and working of traffic upon and by way of the several railways belonging to or worked by such companies respectively; the company hereby incorporated shall, for the purposes of all traffic whatsoever, whether passengers and their baggage, including the usual accommodation for express matter or freight of any description, including the live stock and minerals, and whether such traffic shall originate or terminate upon the railway systems of such companies or either of them, or come from or be destined to some other railway or railways or other carriers connecting mediately or immediately with them, at all times receive, ticket, bill, invoice, and forward the traffic upon and over its railway from such connecting point to or towards its destination, and deliver any and all through traffic as consigned either in final delivery upon or from its own railway or to some other carrier for further transmission to its destination according to the ticket, bill or invoice, and in like manner shall receive, ticket, bill, invoice, and forward the traffic destined to or by way of such connecting railway and duly deliver the same at such connecting point of such connecting railway; and the company hereby incorporated shall afford to the Great Western Railway Company, and all other such companies having connecting railways as aforesaid, all needful accommodation, facility and convenience at their stations and by their trains and otherwise, and by through rating, billing, and ticketing for the promotion of their business and the interchange of such traffic; and the company hereby incorporated shall not give or allow, directly or indirectly, any preference or advantage to or to the traffic by any other railway or portion of a railway or other carrier's line forming part of a continuous route, whether owned or operated by or in interest, directly or indirectly, with the company hereby incorporated or otherwise, over the Great Western Railway or any such other connecting railway or the 55

traffic thereby; and it shall be unlawful for the company hereby incorporated to make, and it shall not make any greater or higher charge for the carriage of traffic or any service connected with the traffic passing to or from the Great Western Railway or any such other connecting railway, than the lowest charge it shall make for a like or similar service over any part of its own railway or which shall be made over any part of a railway worked by or in interest with it, nor make or allow any discrimination, preference or advantage as between any such connecting railways; and the company hereby incorporated shall carry all such traffic interchanged with the Great Western Railway or any other such connecting railway at the lowest mileage rate for the time being charged or received by it for the carriage of like or similar classes of traffic over the same part of its railway, which lowest mileage rate shall in no case exceed the *pro rata* mileage rate charged or received for the haulage of the like or similar classes of traffic over any part of the whole line of railway worked by or in interest with the said company hereby incorporated: Provided that nothing herein shall oblige the company hereby incorporated to accept for the carriage of any such traffic less than its *pro rata* share, according to mileage, of the entire through charge rate or fare at which the same shall be carried by railway: And, provided, that the company hereby incorporated shall be obliged to furnish the facilities and to work through traffic with the said Great Western Railway Company, or any such other connecting company, only so long as the said Great Western Railway Company or such other company shall afford to the company hereby incorporated the like facilities in return. 

Proviso.

Proviso.

 **23.** Subject to the provisions contained in the twenty-second section of this Act, it shall be lawful for the company to lease the railway to any other railway company, or to lease the railway of any other railway company, or to enter into working arrangements with or to agree for running powers over the line of any other railway company in Ontario, or passing through Ontario, or to make an agreement with any railway company in Ontario whereby the latter may have running powers over the railway of the company, upon such terms and conditions, and for such periods as may from time to time be agreed upon by the respective boards of directors of the said railway companies and the company: Provided, however, that no such lease or arrangement shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company.

Agreements with other companies.

Proviso.

 **24.** Subject to the provisions contained in the twenty-second section of this Act and so far as the authority of this Legislature extends, it shall be lawful for the company to purchase and take a conveyance of the line of any other railway company which has now or hereafter may have any railway touching at any point of the main railway of the company, or any extension thereof, together with all and singular, the houses, buildings, stations, station grounds, rights, ways, franchises, privileges and appurtenances of the railway so purchased, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said railway companies, and upon

Power to purchase other lines of railway.

Proviso.

such purchase and conveyance, the railways or the two companies shall be deemed to be one railway, and the two companies shall be deemed to be one corporation and this company may then exercise with reference to the united companies all and every, the rights, franchises and privileges conferred by the Acts of incorporation and amending Acts, relating to the said companies: Provided, however, that no such purchase shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons represented and having a right to vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting of the company. 5

Power to sell railway.

 **25.** Subject to the provisions contained in the twenty-second section of this Act, it shall be lawful for the company to sell and convey the railway, together with all and singular, the franchises, houses, buildings, stations, station grounds, rights, ways, privileges and appurtenances of the company, to any other railway company, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said railway company, and upon such sale and conveyance the railways of the two companies shall be deemed to be one railway, and the two companies shall be deemed to be one corporation, and the said purchasing company may then exercise with reference to the united companies all and every, the rights, franchises and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies: Provided, however, that no such sale shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons represented and having a right to vote at the special or general meetings of the said company, voting in person or by proxy, at any special or general meeting of the company. 15 20 25 30

Proviso.

Powers as to issue of bonds after arrangement has been entered into.

 **26.** After such arrangement has taken place, the company or the company to whom the said transfer is made may, so far as the authority of this Legislature extends, with the consent of two-thirds of the shareholders, and also with the consent of a majority of two-thirds of the bondholders of the companies entering into such arrangement, issue bonds to the extent of twenty-five thousand dollars per mile according to the actual mileage of the railways of the companies entering into such arrangement; and such bonds shall, without registration or formal conveyance, be a first and preferential lien and charge upon the whole joint undertaking of the railways of the companies entering into the said arrangement, and the tolls, revenues and property real and personal thereof, and may be secured by a deed or deeds of mortgage containing the same provisions and in the same manner as the bonds mentioned in the fifteenth section of this Act; Provided however, that all bonds of the several companies entering into the said arrangement outstanding at the time of the said issue shall be reckoned as part of the said issue of twenty-five thousand dollars per mile, and the said amalgamating company shall only have power to issue the difference between the amount of bonds of the said companies then outstanding and the amount required to make up twenty-five thousand dollars per mile. 35 40 45 50 55

27. Subject to the provisions in this Act contained, the amalgamating company shall be vested with all the rights, franchises, powers, privileges and property that the said companies entering into the arrangement for amalgamation have, at the time of the said arrangement being made, by virtue of the several Acts relating to the said companies; and the amalgamating company shall be liable for all the debts, duties and obligations of the respective companies entering into the said arrangement; and no proceeding of any nature either by or against the said companies or any of them, shall be abated or discontinued by reason of the said amalgamation, but shall be continued to their natural and ordinary termination as if this Act had never been passed; and if any judgment be rendered therein, such judgment shall be binding upon and executory against the amalgamating company, or shall enure to the benefit thereof and may be enforced thereby, as the case may be; the name of the companies, when amalgamated, the place for the head office of the company, the amount of the capital stock of the amalgamating company after the amalgamation has taken place, the division of such stock among the shareholders of the respective companies, parties to the amalgamation, the disposition to be made of the shares or stock of the amalgamating companies, the number of the directors which the amalgamated company shall have, and all other matters affecting either the respective companies forming the amalgamation or affecting the amalgamating company, may be settled by the deed of amalgamation: Provided however, that the provisions of such deed shall be in accordance with the powers vested in the said company by the several Acts affecting the same or by this Act. 

Certain rights and liabilities transferred to new company.

What deed of amalgamation may contain.

Proviso.

28. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have, and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Aliens may vote, etc.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to lands.

30. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, or they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions

Acquiring lands for stone, gravel, etc.

of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

31. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway, and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company may think proper; and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining said railway.

Telegraph
lines.

32. The company shall have full power and authority to construct, work and operate such line or lines of telegraph in connection with and along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking, and for the purpose of constructing, working or protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred on the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

Appointments
of agents.

33. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, and to open and keep books of transfer for the shares of the company and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferors in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain and shares originally taken and subscribed for in the United States may be, respectively entered upon the books at the London or at the New York offices, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the

secretary or other officer of the company in this Province, who, shall thereupon make the requisite entries for such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been made by the secretary of the company in this Province.

34. Shares in the capital stock of the company may be transferred by *such* form of instrument *as the directors may from time to time appoint*, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company. Transfer of shares.

35. The directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they shall find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act as altered or modified by this Act shall be valid and binding. Power to regulate registrations and transfers.

36. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the line or route of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences. Proviso.

37. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof. Form of conveyance.

38. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway. Power to build warehouses, etc.

SCHEDULE "A."

(Section 34.)

Know all men by these presents, that I (or we) (*insert the names of the vendors*) in consideration of dollars paid to me (or us) by the Canada West Railway Company the receipt whereof is hereby acknowledged, do grant and convey and I (or we) (*insert the names of any other party or parties*) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or those certain parcels*) (*as the case may be*) of land situated (*describe the lands*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Canada West Railway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
 this _____ day of _____ one thousand
 eight hundred and _____

Signed, sealed and delivered }
 in the presence of }

No. 67.

2nd Session, 4th Legislature, 44 Vic, 1881.

BILL.

An Act to incorporate the Canada West
 Railway Company.

(*Reprinted with amendments, proposed
 to be moved in Committee.*)

First Reading, 31st January, 1881.

(PRIVATE BILL.)

Mr. WELLS.

TORONTO:

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